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VOLUME 1

MODERN FREEDOM

Hegel's Legal, Moral, and Political Philosophy

by

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To all my friends in philosophy

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PREFACE

Ὁ βίος βραχύς,
ἡ δὲ τέχνη μακρὴ
(Hippokrates)

That life is short needs no proof when we are engaged in ambitious projects. When I began this book, almost forty years ago, I did not foresee that its completion would take such a long time, although I was well aware that some of Hegel's texts stubbornly resist a thorough deciphering of their meaning and argumentation. Having written a dissertation on the young Hegel's moral, political, and religious philosophy (*Le jeune Hegel et la vision morale du monde*, 1960¹), I was asked to teach ethics, social philosophy, and philosophy of law at various universities of The Netherlands. While studying and teaching the classics of ethics and politics, I began to focus on the textbook that Hegel had written for his courses on practical philosophy: *Elements of the Philosophy of Right* (1820). The first result of my research was a study of the historical and philosophical context of this text (*Philosophy and Politics: A Commentary on the Preface to Hegel's Philosophy of Right*, 1981/1987), but the interpretation of its content proceeded slowly. While conferences and colloquia occasioned fragments whose traces can be found in the following pages, the ramifications of Hegel's thought and the overwhelming amount of secondary literature demanded a great deal of time and attention and other interests continued to interrupt the project.

A thorough understanding of Hegel's philosophy of "right" (which encompasses all the aspects of human praxis) presupposes insight into its relationship to other parts of the system, especially the logic (which is at the same time a general ontology and a methodology) and the theory of "subjective" and "absolute" (i.e., aesthetic, religious, scientific, and philosophical) spirit. By way of preparation, I therefore reconstructed the framework of Hegel's philosophy of ("subjective," "objective" or practical, and "absolute") spirit in *Selbsterkenntnis des Absoluten* (1987). Because Hegel

summarized his philosophy of right in the three editions of his *Encyclopedia* (1817, 1827, and 1830), where the argumentation is clearer than in his textbook of 1820, I analyzed these three versions in *Hegels praktische Philosophie* (1991) before tackling the original project. That the present study finally has been completed, I owe mainly to the Arthur J. Schmitt Foundation and Loyola University Chicago, which appointed me to the Schmitt Chair of Philosophy in 1991 and granted me two leaves of absence to continue my work on this book.

The aims I have pursued can be summarized in the following points:

(1) The doctrine of Hegel's textbook (1820) should be situated and clarified.

(2) The logic that rules his arguments should be laid out.

(3) Without pursuing all of the "influences" that relate Hegel's practical philosophy to his predecessors (Plato, Aristotle, Cicero, Macchiavelli, Hobbes, Grotius, Spinoza, Locke, Leibniz, Rousseau, Kant, Fichte, and Schelling in particular) I should at least briefly indicate how some of the main filiations are integrated in Hegel's synthesis.

(4) Sufficient information should be offered on those other parts of Hegel's system that are presupposed in his practical philosophy.

(5) The composition of Hegel's treatise and its parts should be clarified by means of structural schemas.

(6) While a *detailed* comparison of the *Rechtsphilosophie* of 1820 with the three versions of the *Encyclopedia* would demand another book, at least the main agreements and differences should be shown and explained.

(7) Hegel's own course notes and those of his students should be used with caution to clarify and illustrate the meaning of the texts he published during his life.

(8) A fair and more or less complete overview of the secondary literature should be given. Since it is physically impossible to read all publications on Hegel, however, selectivity was inevitable (which entails the risk of injustice and partial ignorance).

(9) In this book it is not my purpose to criticize Hegel, but rather to serve those colleagues and students who look for assistance or discussion in the study of Hegel's thought. In this respect,

benevolent distance followed by meditation seems to me more fruitful than overhasty judgment. However, to show some possibilities of thinking otherwise than Hegel, I have allowed myself some critical hints in the margins and in the Epilogue.

To what extent this study meets these conditions, the reader must decide. I do not doubt that I have made mistakes and I apologize in advance to those scholars whose publications, had I read them, may have improved my text. If the latter has some merit, it is mainly due to the many educators, friends, colleagues, assistants, secretaries, students, and sympathizers, who encouraged, instructed, corrected, and challenged me during the work on this project. They are too numerous to be mentioned by name, but I wish to make an exception for some of them who were closely connected with the production of this study: Angela, my wife, who bore with the many hours of my concentration on an admirable but debatable thinker; Victor Beerkens and Max Ten Dam, who assisted me in structuring Hegel's texts; Laurel Dantzig, who significantly ameliorated my English; and Katrine Poe, who, with great care and patience, disentangled my handwriting and assisted me in composing the index.

Adriaan T. Peperzak
Chicago-Wilmette
18 September 2000

ABBREVIATIONS

Works by Georg Wilhelm Friedrich Hegel

- Berliner Schriften* G.W.F. Hegel. *Berliner Schriften 1818-1831*. Edited by Johannes Hoffmeister. Hamburg: Meiner, 1956.
- Briefe* Johannes Hoffmeister (ed.). *Briefe von und an Hegel*. Four Volumes (I, II, III, IV). Hamburg: Meiner, 1952-1960.
- Briefe IV/1* Friedhelm Nicolin (ed.). *Briefe von und an Hegel*. Band IV, Teil 1: Dokumente und Materialien zur Biographie. Hamburg: Meiner, 1977.
- Elements* G.W.F. Hegel. *Elements of the Philosophy of Right*. Edited by Allen W. Wood and translated by H. B. Nisbet. Cambridge: Cambridge University Press, 1991.
- Enc G.W.F. Hegel. *Encyclopädie der philosophischen Wissenschaften im Grundrisse zum Gebrauch seiner Vorlesungen*. Heidelberg: Oßwald, 1817.

The three versions of the following:

- Enc A G.W.F. Hegel. *Encyclopädie der philosophischen Wissenschaften im Grundrisse zum Gebrauch seiner Vorlesungen*. (1817) Photographic reprint in pp. 1-130 of Volume 6 (*Enzyklopädie der philosophischen Wissenschaften im Grundrisse und andere Schriften aus der Heidelberger Zeit*) of the *Sämtliche Werke* (Jubiläumausgabe in zwanzig Bänden),

edited by Hermann Glockner. Stuttgart: Frommann-Holzboog, 1956.

Enc B G.W.F. Hegel. *Encyclopädie der philosophischen Wissenschaften im Grundrisse zum Gebrauch seiner Vorlesungen* (1827), GW 19.

Enc C G.W.F. Hegel. *Encyclopädie der philosophischen Wissenschaften im Grundrisse zum Gebrauch seiner Vorlesungen* (1830), GW 20. For the Zusätze (Additions by the *Freunde*), I used Su 8, 9, 10.

Examples of abbreviations:

Enc A 20 = *Encyclopädie* of 1817, Section 20

Enc A 20R = *Encyclopädie* of 1817, Remark to Section 20

Enc B 24R = *Encyclopädie* of 1827, Remark to Section 24

Enc B 24 & R = *Encyclopädie* of 1827, Section 24 and Remark

Enc C 25 = *Encyclopädie* of 1830, Section 25

Enc C 24 & R = *Encyclopädie* of 1830, Section 24 and Remark

Enc C 27Z = *Encyclopädie* of 1830, *Zusatz* to Section 27

Enc BC 26 = Both *Encyclopädie* of 1827 and 1830, Section 26

Grl G.W.F. Hegel. *Grundlinien der Philosophie des Rechts (Naturrecht und Staatswissenschaft im Grundrisse: Zum Gebrauch für seine Vorlesungen)* mit Hegels eigenhändigen Randbemerkungen in seinem Handexemplar der Rechtsphilosophie. Herausgegeben von Johannes Hoffmeister (Volume 12 of

the *Sämtliche Werke*. Neue Kritische Ausgabe). Hamburg: Meiner, 1955.

Examples of abbreviations:

Grl 215 = Section 215

Grl 215R = Remark to Section 215

Grl 215 & R = Section 215 and Remark

Grl 215Z = *Zusatz* to Section 215

Grl 215 & Z = Section 215 and *Zusatz*

- GW G.W.F. Hegel. *Gesammelte Werke*. Herausgegeben im Auftrag der Deutschen Forschungsgemeinschaft. Hamburg: Meiner, 1968ff.
- Hom Homeyer's notes according to *Mitschriften*.
- Ilt 1, 2, 3, 4 G.W.F. Hegel: *Vorlesungen über Rechtsphilosophie 1818-1831*. Four volumes. Edited by Karl-Heinz Ilting. Stuttgart: Frommann-Holzboog, 1973-1974.
- Knox G.W.F. Hegel. *Hegel's Philosophy of Right*. Translated with notes by T. M. Knox. Oxford: Oxford University Press, 1952.
- Logic G.W.F. Hegel. *Wissenschaft der Logik. Erster Band. Die objektive Logik* (Nürnberg: Schrag, 1812); *Erster Band. Die objektive Logik. Zweites Buch. Die Lehre vom Wesen* (1813); *Wissenschaft der subjektiven Logik oder die Lehre vom Begriff* (1816). Volume I (1812/13); Volume 2 (1816); revised Volume I (1832) = Volumes 11, 12, and 21 of GW.
- Mitschriften* G.W.F. Hegel. *Die Philosophie des Rechts: Die Mitschriften Wannenmann (Heidelberg, 1817/18) und Homeyer (Berlin, 1818/19)*. Edited by Karl-Heinz Ilting. Stuttgart: Klett-Cotta, 1983.

Phän	G.W.F. Hegel, <i>Phänomenologie des Geistes</i> , GW 9.
<i>Principes</i> (Kervégan)	G.W.F. Hegel. <i>Principes de la philosophie du droit</i> . Présenté, révisé, traduit et annoté par Jean-François Kervégan. Paris: Presses Universitaires de France, 1999.
<i>Principes</i> (Vieillard-Baron)	G.W.F. Hegel. <i>Principes de la philosophie du droit</i> . Traduction, présentation, notes et bibliographie par Jean-Louis Vieillard-Baron. Paris: Flammarion, 1999.
Su	G.W.F. Hegel. <i>Werke in zwanzig Bänden</i> . Edited by Eva Moldenhauer & Karl Markus Michel. Frankfurt/Main: Suhrkamp, 1971.
<i>Vernunft/Geschichte</i>	G.W.F. Hegel. <i>Die Vernunft in der Geschichte</i> . Edited by Johannes Hoffmeister. Hamburg: Meiner, fifth edition, 1955.
Vorl	G.W.F. Hegel. <i>Vorlesungen</i> . Ausgewählte Nachschriften und Manuskripte, various volumes. Hamburg: Meiner, 1983ff.
Vorl (Henrich)	<i>Hegels Philosophie des Rechts: Die Vorlesung von 1819/20 in einer Nachschrift</i> . Edited by Dieter Henrich. Frankfurt/Main: Suhrkamp, 1983.
Wa	G.W.F. Hegel. <i>Vorlesungen über Naturrecht und Staatswissenschaft. Heidelberg 1817/18 mit Nachträgen aus der Vorlesung 1818/19. Nachgeschrieben von P. Wannenmann</i> . Edited by C. Becker, et al. Hamburg: Meiner, 1983.
<i>Weltgeschichte</i>	G.W.F. Hegel. <i>Vorlesungen über die Philosophie der Weltgeschichte</i> . Four volumes. Edited by Georg Lasson. Leipzig: Meiner, 1944.

- Ak** Works of Kant are quoted from *Kant's Gesammelte Schriften*, various volumes, Herausgegeben von der Preußischen Akademie der Wissenschaften, Berlin, 1910ff.
- Secondary Literature*
- Assessments** Robert Stern (ed.). *G.W.F. Hegel: Critical Assessments*. Four volumes. London-New York: Routledge, 1993.
- Anspruch und Leistung** Christoph Jermann (ed.). *Anspruch und Leistung von Hegels Rechtsphilosophie (Spekulation und Erfahrung II, 5)*. Stuttgart: Frommann-Holzboog, 1987.
- Companion** Frederick C. Beiser (ed.). *The Cambridge Companion to Hegel*. Cambridge: Cambridge University Press, 1993.
- Düsing, Subjektivität** Klaus Düsing. *Das Problem der Subjektivität in Hegels Logik: Systematische und entwicklungsgeschichtliche Untersuchungen zum Prinzip des Idealismus und zur Dialektik. Beiheft Hegel- Studien 15*. Bonn: Bouvier, 1976. Third, augmented edition 1995.
- Eley, Subj. Geist** Lothar Eley (ed.). *Hegels Theorie des subjektiven Geistes in der Enzyklopädie der philosophischen Wissenschaften im Grundrisse (Spekulation und Erfahrung II, 14)*. Stuttgart: Frommann- Holzboog, 1990.
- Ethical Thought** Allen W. Wood. *Hegel's Ethical Thought*. Cambridge: Cambridge University Press, 1990.
- Foundations** Adriaan T. Peperzak. "The Foundations of Ethics According to Hegel." *International Philosophical Quarterly* 23 (1983), pp. 349-365.

- die Geschichte* Klaus Düsing. *Hegel und die Geschichte der Philosophie: Ontologie und Dialektik in Antike und Neuzeit*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1983.
- Hegels prakt. Phil* Adriaan T. Peperzak. *Hegels praktische Philosophie: Ein Kommentar zur enzyklopädischen Darstellung der menschlichen Freiheit und ihrer objektiven Verwirklichung (Spekulation und Erfahrung II, 19)*. Stuttgart: Frommann-Holzboog, 1991.
- Incidenza* Fulvio Tessitore (ed.). *Incidenza di Hegel*. Napoli: Morano, 1970.
- Le jeune Hegel* Adriaan T. Peperzak. *Le jeune Hegel et la vision morale du monde*. The Hague: Martinus Nijhoff, second edition, 1969.
- Materialien 1 and 2* Manfred Riedel (ed.). *Materialien zu Hegels Rechtsphilosophie*. Two volumes. Frankfurt/Main: Suhrkamp, 1975.
- Myths* Jon Stewart (ed.). *The Hegel Myths and Legends*. Evanston: Northwestern University Press, 1996.
- Pelczynski, State* Z. A. Pelczynski (ed.). *The State and Civil Society: Studies in Hegel's Political Philosophy*. Cambridge: Cambridge University Press, 1984.
- Philosophy and Politics* Adriaan T. Peperzak. *Philosophy and Politics: A Commentary on the Preface to Hegel's Philosophy of Right*. (International Archives of the History of Ideas, n. 113.) Boston-The Hague: Martinus Nijhoff, 1987.
- Reyburn* Hugh A. Reyburn. *The Ethical Theory of Hegel: A Study of the Philosophy of Right*. Oxford: Clarendon, 1921.

- Selbsterkenntnis* Adriaan T. Peperzak. *Selbsterkenntnis des Absoluten: Grundlinien der Hegelschen Philosophie des Geistes* (*Spekulation und Erfahrung* II, 6). Stuttgart: Frommann-Holzboog, 1987.
- Siep, Grundl* Ludwig Siep (ed.). *G.W.F. Hegel: Grundlinien der Philosophie des Rechts*. Berlin: Akademie Verlag, 1997.
- Siep, Prakt. Phil* Ludwig Siep. *Praktische Philosophie im Deutschen Idealismus*. Frankfurt/Main: Suhrkamp, 1992.
- Theorie* Dieter Henrich & Rolf-Peter Horstmann (eds.). *Hegels Philosophie des Rechts. Die Theorie der Rechtsformen und ihre Logik*. Stuttgart: Klett-Cotta, 1982.
- Verfassungsgeschichte* Hans-Christian Lucas & Otto Pöggeler (eds.). *Hegels Rechtsphilosophie im Zusammenhang der europäischen Verfassungsgeschichte*. Stuttgart: Frommann-Holzboog, 1986.

References

- Hegel-Lexikon* Hermann Glockner. *Hegel-Lexikon*. Two volumes. Stuttgart, Frommann-Holzboog, 1957.
- Hist. Wörterbuch* Joachim Ritter & Karlfried Gründer (eds.). *Historisches Wörterbuch der Philosophie*. Various volumes. Darmstadt: Wissenschaftliche Buchgesellschaft, 1971ff.
- Register* Helmut Reinicke. *Register* [Index of Su]. Frankfurt/Main: Suhrkamp, 1979.

Unless otherwise noted, all translations are my own. With respect to the issue of non-sexist language, I have chosen to use the masculine forms throughout for the following reasons: (1) Not only does Hegel do so, but he is convinced that men (as the heads of families) are the proper *actors* in society and state. (2) Switching genders complicates the text too much. For instance, it is often impossible to replace a singular with a plural, and “his or her” often makes the dialectical relation very obscure. However, I do sometimes show my preference by using “her” and “she” in order to indicate that Hegel’s *principles* are equally valid for women and men.

INTRODUCTION

*Have you not sensed how ugly all opinions
are that lack epistēmē?*

(Plato, *Politeia*, 506c)

Though orthodox Hegelians are rare today, Hegel's presence in twentieth-century philosophy is overwhelming. Especially since the end of World War II, a widespread interest in his work has emerged in the context of phenomenology, existentialism, philosophy of history, and history of philosophy. In *Germany*, Hegel has always been regarded as one of the great classics, but a truly critical edition of his work became possible only with the founding of the Hegel Archives in the fifties, and most of the rigorous German scholarship has been published after that date.¹ In *France*, Jean Wahl's *Le Malheur de la Conscience* (1929), Alexandre Koyré's studies on the Jena manuscripts, and Alexandre Kojève's influential (mis)interpretation of the *Phenomenology of Spirit* (presented at the École des Hautes Études in the thirties and published in 1947) had awakened interest in Hegel's early work, but it was only after the war that Eric Weil, Henri Niel, and Jean Hyppolite initiated a

¹ For the development of scholarship on Hegel's "philosophy of right" from Ruge and Feuerbach to Marquard and Lübke, and from a German perspective with emphasis on the German literature, see Henning Ottmann, *Individuum und Gesellschaft bei Hegel*, Vol. I: *Hegel im Spiegel der Interpretationen* (Berlin-New York: De Gruyter, 1977), 406 pp. For Ottmann's treatment of Kojève, see pp. 93-99; for Anglo-American readings of Hegel from Dewey to Plamenatz, see pp. 192-203; for Popper's fantasies, see pp. 204-210; for the reintegration of recent Anglo-American scholarship into "the mainstream of Western political theory from Knox to Charles Taylor," see pp. 282-299; for praise and criticism of Avineri, see pp. 290-296, and for praise of Taylor, see pp. 296-299. See also the reviews and the running bibliography of the *Hegel-Studien*; the critical chronicle of Hegel literature by W. Kern in *Scholastik* 37 (1962): pp. 85-114 and 550-578; 38 (1963): pp. 62-90; and in *Theologie und Philosophie* 42 (1967): pp. 79-88 and 402-418; 44 (1969): pp. 245-267; 46 (1971): pp. 71-87; 47 (1972): pp. 245-276; 48 (1973): 398-409; 50 (1975): pp. 565-581; 51 (1976): pp. 93-114 and 559-570; and the regularly appearing overviews of Hegel studies in *Archives de Philosophie*.

stream of rigorous interpretations of Hegel's later works.² Following the heyday of British Hegelianism in the nineteenth century, *England* showed its preference for the philosophical paths opened by Frege and Wittgenstein; however, the death of the last Hegel scholars, G.R.G. Mure and T.M. Knox, almost coincided with the foundation of the British Hegel Society.³ In *Italy*, the interest in Hegel has always been considerable. Whoever intends to study Hegel without neglecting the best secondary literature — which is, unfortunately, a widespread neglect — cannot do so without

² For French Hegel scholarship from 1840 to 1996, one can consult M. Roth, *Knowing and History: The Resurgence of French Hegelianism from 1930 through the Postwar Period* (New York: De Gruyter, 1988); and *De Kojève à Hegel: 150 ans de pensée hégélienne en France* (Paris: Albin Michel, 1996), written by two of the best French Hegel scholars, Pierre-Jean Labarrière and Gwendoline Jarczyk. Koyré, in the thirties, was the first in France to study Hegel's Jena manuscripts. See the texts of 1931 and 1934 collected in his *Études d'histoire de la pensée philosophique*. Alexandre Kojève (Kojevnikov), another Russian emigrant, gave a famous seminar on Hegel's *Phenomenology of Spirit* from 1933-1939 at the *Hautes Études*. The course notes of this seminar, which was attended by Sartre, Levinas, Fessard, and other upcoming luminaries, were edited and published by Raymond Queneau as *Introduction à la lecture de Hegel: Leçons sur la Phénoménologie de l'Esprit* (Paris: Gallimard, 1947). Henri Niel's book *De la médiation dans la philosophie de Hegel* (Paris: Aubier, 1945) provided a general introduction, and Jean Hyppolite's translation of the *Phänomenologie des Geistes*, *La Phénoménologie de l'Esprit* (Paris: Aubier, 1939-41, two volumes), which was the first translation into French, together with his study *Génèse et Structure de la Phénoménologie de l'esprit* (Paris: Aubier, 1946) set the record straight for the *Phenomenology*. Eric Weil, whose *Hegel et l'état* (Paris: Vrin, 1950) became a classic for the study of Hegel's political philosophy in Europe, was the most creative of the French Hegelians, as is shown in his *Logique de la Philosophie* (Paris: Vrin, 1950), *Philosophie Politique* (Paris: Vrin, 1956), and *Philosophie Morale* (Paris: Vrin, 1961). Throughout this book, I will also refer to some of the best French scholars of the second half of the outgoing century, such as Bernard Bourgeois, Jean-Louis Vieillard-Baron, Dominique Janicaud, Jacques D'Hondt, Bernard Quelquejeu, and Jean-François Kervégan.

³ The reawakening of Anglo-American interest is more recent than that of the German, French, Italian, or Dutch speaking world. For a critical overview, see H. S. Harris, "The Hegel Renaissance in the Anglo-Saxon World since 1945," in *The Owl of Minerva* 15 (1983-84): 77-106. Over the past few decades, however, many interesting studies have been published, which, as we will see, have a style of their own. For the study of Hegel's *Rechtsphilosophie*, the excellent work of Hugh A. Reyburn, *The Ethical Theory of Hegel: A Study of the Philosophy of Right* (Oxford: Clarendon, 1921) remains a model of interpretation, notwithstanding the modesty of his introductory words (which in 1921 was still appreciated): "I am very conscious of the imperfection of the treatment given here. The pre-suppositions of the ethical standpoint are not sufficiently expounded, and I have had to be extremely dogmatic in my references to Hegel's *Logic*. This I regret, but it seems inevitable" (p. xvii).

reading numerous excellent publications produced by Italian professors and *ricercatori*.⁴

The Hegel Society of North America was founded in 1970 and has flourished ever since, as is indicated by the quality of the studies published in its journal, *The Owl of Minerva*, and the proceedings of its biannual meetings. Since the 1980s, even analytic philosophers have shown interest in Hegel in publications that manifest a considerable amount of thought. Most of these studies focus on Hegel's legal and political philosophy or his "logic," whereas most "continental"-minded interpreters in America show a predilection for the *Phenomenology of Spirit*. Some of the latter continue to view the work of Kojève, or even Georgy Lukàcs⁵ as models of interpretation, while others either impose their own thought patterns on Hegel's *Phenomenology* or attempt a more historical reconstruction of Hegel's thought within the context of early nineteenth-century Enlightenment, Kantian criticism, Fichte's idealism, Jacobi's empiricism, Herder's enthusiasm, and Schelling's philosophy of absolute identity.

However, few Hegel scholars pay sufficient attention to the historical context in which Hegel's thought matured and the

⁴ In addition to the nineteenth-century Hegelianism of Spaventa, Vera, and others, a host of names could be given here, especially of those young researchers who, forced into a state of limbo by the labor market, have published thorough studies on the most difficult problems of Hegel scholarship. Some of the scholars whom I consider exemplary are Gabriella Baptist, Livia Bignami, Remo Bodei, Claudio Cesa, Franco Chiereghin, Alfredo Ferrarin, Leo Lugarini, Francesca Menegoni, Angelica Nuzzo, and Valerio Verra. I will refer to some of their publications at appropriate places in my commentary. For historical overviews of Italian Hegel scholarship, see Claudio Cesa, "Hegel in Italien: Positionen in Streit um die Interpretationen der Hegelschen Rechtsphilosophie," in *Allgemeine Zeitschrift für Philosophie* 2 (1978): 1-21; and Angelica Nuzzo, "An Outline of Italian Hegelianism (1832-1998), in *The Owl of Minerva* 29 (1997-98): 165-205.

⁵ For sharp criticism of Kojève's interpretation see the study by Labarrière and Jarczyk quoted in note 2, pp. 61-177, and O. Pöggeler, "Hölderlin, Schelling und Hegel bei Heidegger," in *Hegel-Studien* 28 (1993): pp. 370-372. On Georgy Lukàcs's extremely biased book *Der junge Hegel: Über die Beziehungen von Dialektik und Oekonomie* (Zürich-Wien: Europa Verlag, 1948), see my judgment in *Le jeune Hegel*, p. 26, note 3. See also Henning Ottmann, "Herr und Knecht bei Hegel. Bemerkungen zu einer missverstandenen Dialektik," in *Zeitschrift für philosophische Forschung* 35 (1981): 365-384, which signals the "exorbitant overrating of the dialectic of mastery and servitude" (p. 365) and offers a good interpretation of this dialectic as it is presented in the various stages of Hegel's writings up to the *Phenomenology* of 1806 and the works from 1817 to 1830.

elements of the philosophical and non-philosophical culture absorbed during his education and later readings. For example, it is only recently that Hegel's relations to Herder, Rousseau, and Jacobi have been investigated, while the influence of Montesquieu and Reinhold remains scarcely researched.⁶ Even more in need of serious investigation is the influence of eighteenth-century scholasticism, represented by such authors as Christian Wolff and the manuals Hegel studied in Tübingen. It is hardly possible to understand Hegel, especially his logic, if one does not see how he appropriated many of the categories and methodological devices of the instructors and works that introduced him to the world of philosophy and theology. Some of the scholars who do not see that anachronism hampers interpretation present Hegel as an authority for our time without reflecting on the change in mentality that

⁶ Reconstructions of the historical context should avoid the mistake of reducing it to a debate among the great minds that are remembered in our handbooks of the history of philosophy. The fact that Hegel was not well-known until the last twelve years of his life, and that Fries, who today is no longer read, received the professorships in Jena and Heidelberg that Hegel very much desired, should by itself be a warning to us that oversimplified historical schemas, according to which philosophy from 1800 to 1830 is seen as a discussion between Kant, Fichte, Schelling, and Hegel, might distort the historical reality. Richard Kroner's *Von Kant bis Hegel* (Tübingen: Mohr, 1921-24, two volumes) has convinced many readers that Hegel's interpretation of his own work was the logical outcome of a movement that linked four thinkers together as parts of one continuous history. Detailed study of the historical facts, including the texts Hegel actually read before he constructed a philosophy of his own, show that Kroner's interpretation (which, by the way, is not so far from Hegel's self-interpretation), though philosophically interesting, cannot be accepted as a historical reconstruction. Today, few scholars are specialists with regard to all four leaders of German idealism; even fewer are at the same time knowledgeable about Montesquieu, Lessing, Schiller, Herder, Jacobi, Goethe, Reinhold, Schulze, Hamann, Hölderlin, the Schlegels, etc. From the perspective of twentieth-century oversimplifications, in which Kant and Hegel tower over the other thinkers from 1770 to 1831, it is tempting to view Hegel's thought as an answer to Kant's questions and *aporiae* or to think that he was still "carrying on the Kantian program" (cf. Terry Pinkard, in *Assessments*, Volume IV, p. 137). To do so, however, is to overlook the great difference between their perspectives and characters, and the historical genesis of their mature work. In *Le jeune Hegel* (p. 251), I have forwarded the thesis that before 1801 there is no indication in Hegel's manuscripts of any thorough familiarity with Kant's first *Critique*, though he did, of course, have some general knowledge of it from his professors and the secondary literature of the time. Those who have objected to this thesis have not forwarded textual proof to the contrary comparable to the firm textual links that connect several of Hegel's early manuscripts with Kant's work on practical philosophy.

more than 150 years have created. Others deem it possible to separate “what is alive” in Hegel’s work from “what is dead” without answering the questions of (1) how it is that they themselves are so knowledgeable about the difference between life and death in philosophy, and (2) how one can separate certain parts, without destroying or distorting them, from a system that strongly emphasizes the solidarity of the parts with one another and the whole.

Metaphysics?

There is a school of Hegel interpretation that takes its lead from the widespread opinion that metaphysics is outdated and has been or should be overcome. In contrast to most European interpreters who see Hegel’s work as the culmination of a long metaphysical tradition, several Anglo-American scholars begin their commentaries by declaring that Hegel’s philosophy is not metaphysical at all. Others, with a more nuanced view, recognize that his work indeed contains metaphysical elements but contend that these should be ignored or eliminated. Those who explain away all of Hegel’s metaphysical thoughts most often state or imply that metaphysical interpretations are outdated, “pre-Kantian,” “precritical,” “uncritical,” “traditional,” “standard,” or “old.” Such declarations are neither interesting nor worthy of discussion unless they are accompanied by attempts at refuting those “old” traditions or some support for their own claim; such attempts are, however, seldom undertaken.⁷

⁷ The declaration that Hegel’s thought is non-metaphysical will come as a shock to any scholar who has studied a single chapter of Hegel’s *Logic*. However, this claim can be found in several Anglo-American publications and is often stated at the outset. From a rhetorical perspective, one is tempted to ask why such declarations are deemed so urgent; from a psychological point of view, one wonders what motivates the mixture of aggression and contempt for metaphysics that is displayed without delay. Predicates like “metaphysical,” “pre-Kantian,” and “pre-critical” are often used to disqualify from the outset other, especially “traditional” and “standard” interpretations; however, rarely is an attempt made to even sketch the metaphysical project one seems to despise. When Kant’s thought is taken as the post-metaphysical project that Hegel would have continued, the interpreters seem to forget that *all* of Kant’s critical works are written as “prolegomena for any future metaphysics,” and that they are followed by treatises on nature, right, and morality, which Kant explicitly qualified as metaphysical (*Metaphysische Anfangsgründe der Naturwissenschaft*, *Die*

The claim that Hegel need not be read as a metaphysician sounds incredible in light of his constant use of such categories as *being, essence, idea, substance, subject, spirit, absolute, God*, etc., and his own claim that true thinking is impossible without integration of Parmenides, Plato, Aristotle, Proclus, Anselm, Spinoza, Descartes, Leibniz, Kant, Fichte, and Schelling. Are all these predecessors non-metaphysical? Metaphysics would then seem to be a quixotic windmill. Or did Hegel respect and overcome the metaphysical tradition by “lifting it up” to the level of some kind of historicism?⁸

Perhaps some commentators think that the non- or anti- or a-metaphysical character of Hegel’s “absolute idealism” (as he himself calls it) can be proven by consistently translating it into twentieth-century language that they deem free from metaphysical assumptions. If such a transposition succeeded without losing essential elements of Hegel’s texts, their account would perhaps corroborate their thesis. If, on the contrary, Hegel’s thought cannot be captured in this transposition, their commentaries are obviously partial or unilateral. Hegel himself would call them untrue. If a partial reading is presented as equivalent to the whole, it is even false. But if the logic, as the heart of Hegel’s thinking, *is* metaphysical, why are certain commentators so attracted to it that they spend considerable energy reshaping it into their own image?

No discussion about the metaphysical or non-metaphysical character of Hegel’s thought is possible if the concept of “metaphysics” itself is left unclarified. Admittedly, such a clarification is almost impossible to provide within a few pages because the word “metaphysics” has had several meanings throughout the history of philosophy. An adequate definition presupposes not only a vast knowledge of its origin and transformations, but also the ability to summarize the historical material that goes by that name. The careless way in which “metaphysics” is handled by a great deal of twentieth-century scholars is perhaps reason enough to exclude the word “metaphysical” from any serious discussion about the right interpretation of Hegel’s work.

Metaphysik der Sitten, Welche sind die wirklichen Fortschritte, die die Metaphysik seit Leibnizens und Wolffs Zeiten in Deutschland gemacht hat?). Dismissing metaphysics out of hand not only is disastrous for any serious history of philosophy, but also for philosophy as such.

⁸ Cf. Frederick C. Beiser, “Hegel’s Historicism” in *Companion*, pp. 270-300.

Hegel himself used “metaphysics” in different senses. Even a simple rendering of his views on metaphysics already demands a complex investigation, but a few provisional indications may be helpful.

In the *first* place, “metaphysics” is the title for a pre-Kantian current of thought in *modern* philosophy, which Hegel characterizes and criticizes in both the Introductions of the second and third editions of the *Encyclopedia* (BC 26-39) and, with more sympathy and attention to details, in his courses on the history of philosophy. Hegel frequently qualifies this notion of metaphysics as “the old (or older) metaphysics” or “the former metaphysics.”⁹ “Old,” in this context, does not mean “ancient” but early modern: Descartes, Spinoza, Locke, Leibniz, and Wolff are the big names of the “period of metaphysics.”¹⁰ Metaphysics is here characterized as a philosophy of the *Verstand*, as described in Enc A 18 and BC 26ff. Kant’s critique destroyed the foundations of this metaphysics, but as a “metaphysics of the *Verstand*” it continues in Hegel’s time, especially in the handbooks.¹¹ Well aware that Kant’s entire work was motivated by the desire to make possible a new metaphysics, Hegel formulates Kant’s refutation in more positive terms when he notes that Kant has “liberated metaphysics from the spirit as a *thing*.”¹²

Notwithstanding his criticisms, Hegel does not reject metaphysics — he never rejects anything — but rather he shows that, as a construction of the *Verstand*, it is a half-true mode of thinking that must be sublated in true, i.e., “*speculative*,” philosophy.¹³ This

⁹ GW 11, pp. 17 and 22; 12, pp. 154 and 229; Enc C 408R.

¹⁰ Su 20, pp. 70, 122, and 211; Enc A 18, 367R; Enc BC 26, 27, 28Z, 378; GrI 15R.

¹¹ Enc C 246Z, 304Z; Su 16, p. 259.

¹² Enc A 321R; cf. Enc C 408R.

¹³ “Metaphysics” is used in a positive sense in Su 19, pp. 68, 88, 82, and 85; Enc C 9R, 24, and 85. When Hegel criticizes (the former) metaphysics as a philosophy of the *Verstand* (e.g., Enc A 18; *Logic*, GW 12, pp. 192-193), he does not reject it, but argues that it must be integrated into a philosophy of the *Vernunft*. This allows him to state that his own “speculative logic contains the former logic and metaphysics” (Enc C 9R) and to maintain the title “logic and metaphysics” for the announcement of all his courses on logic. Cf. also Enc C 26-27, especially the last two sentences of § 27: “However, this [former] metaphysics is “former” only in relation to the history of philosophy; by itself, it is always present, [namely, as] the merely intellectual conception [*Verstandes-Ansicht*] of the issues of reason [*Vernunft-Gegenstände*]. An accurate consideration

leads to a *second* meaning of “metaphysics.” Here it is not restricted to a historical phenomenon, but rather it indicates the intellectual element of true philosophy, which should be integrated into the fully rational truth of which only reason (*Vernunft*) is capable. In this sense, he can say the following:

. . . metaphysics means nothing else than the ensemble of the general determinations of thought, as it were the adamantine grid into which we bring all materials in order to make them understandable. Any educated consciousness has its own metaphysics, an instinct-like thinking, an absolute power in us, which we cannot master unless we make it an object of our knowledge (Enc C 246Z).

And:

All the knowledge and the representations of an educated consciousness are permeated and ruled by such a metaphysics; it is the grid in which all the concrete stuff of man’s doing and striving is contained (Su 18, p. 77).

By emphasizing the metaphysical character of our abstract thought, “metaphysics” comes very close to Hegel’s own “logic,” which brings us to the *third* meaning. He identifies the two when, in a section of his “Preliminary concept” of the encyclopedic *Logic*, he writes:

The logic, in the essential sense of speculative philosophy, replaces what formerly was called *metaphysics*. . . . (Enc A 18).

The *logic* coincides [. . .] with the *metaphysics*, [i.e.,] the science of the *things* as grasped in *thoughts*, which were understood as expressing the *essences* of the *things* (Enc BC 24).

And even clearer:

Being itself [. . .] and all the logical determinations can be considered definitions of the absolute as the *metaphysical definitions of God* [. . .] For to define God metaphysically means to express God’s nature in *thoughts*; the logic, however, encompasses all thoughts, insofar as they are still in the form of thoughts (Enc C 85).

A *fourth* meaning of metaphysics is found in Hegel’s treatment of Aristotle, but Hegel notices that

metaphysics is not a name given by Aristotle [. . .] What we call metaphysics, Aristotle calls πρώτη φιλοσοφία (Su 19, p. 152).

of its style and main content is therefore also of interest for our present.”

Finally, speaking about the metaphysics of Epicurus, Hegel adopts the Hellenistic division of philosophy into *metaphysics*, *physics*, and *ethics* or “Moral.”¹⁴

None of these five meanings seem to guide the commentators who attack “metaphysical” interpretations of Hegel. What they see as metaphysical and why they despise it, often remains hidden. For some interpreters, the scandal seems to lie in what they see as the *theological* character of metaphysics. In a Feuerbachian or Nietzschean way (which is not Hegel’s), they seem to be allergic to conceptions and perspectives that embrace “invisible” and “transcendent” realities or elements of reality. Such perspectives are called outdated, pre-modern or pre-postmodern, somewhat infantile, perhaps even Roman Catholic, and in any case unworthy of twentieth-century intellectuals. Whereas a more careful explanation of “metaphysics” in “continental” circles will most often refer to Heidegger’s thesis that Western philosophy is constituted by its onto-theo-logical structure,¹⁵ analytic criticisms of metaphysics may have a scientistic, empiricist, or historicist bent. Both schools, in their own post-Hegelian way, continue the tradition of eighteenth-century Enlightenment, but they rarely attempt to justify the basic postulates of this tradition or its twentieth-century offspring. They seem to suppose that the fight against metaphysics is over. Does this explain why they frequently limit themselves to portraying the enemy through evaluative predicates like “obscure,” “precritical,” “dualistic,” “traditional,” “theological,” “believing in transcendent entities” or “a transcendent personal God,” and so forth?¹⁶ Seldom is a serious reconstruction of classical metaphysics given before it is

¹⁴ Su 19, pp. 306 ff., 313 ff., 322 ff.

¹⁵ Cf. Martin Heidegger, “Die onto-theo-logische Verfassung der Metaphysik,” in *Identität und Differenz* (Pfullingen: Neske, 1957), pp. 35-73.

¹⁶ A non- or anti-metaphysical interpretation of Hegel’s philosophy, especially of his philosophy of absolute spirit, can be justified only if it includes a theory about the contrast between the metaphysical and religious language of Hegel’s logic and philosophy of religion, on the one hand, and his “non-metaphysical thought” on the other. Did Hegel not dare to speak in a Feuerbachian way? Was he hiding his presumed atheism out of fear of the police or out of sensitivity to the faithful? An interpretation that, not only *prima vista*, seems to contradict Hegel’s constant appeal to Christian faith, cannot ignore the question of why Hegel then cloaked his real thought in religious expressions. Those authors who defend an atheistic interpretation should at least give an explanation of the difference between Hegel’s thought and his words.

rejected. It remains, therefore, a question whether the rejection is supported by knowledge, ignorance, or impressions. Those who, even today, are not ashamed of honoring the metaphysical tradition are not sure that they appreciate the same tradition as those who seem to fight its caricature. What is, for instance, the target of anti-metaphysicians who attack “obscure transcendent entities”? Is it not a central insight of classical metaphysics that “entities” can only be finite, that absolute transcendence (e.g., the transcendence of Plato’s Good, Plotinus’ One, Spinoza’s Substance, or Thomas’ God) cannot be a property of any entity, and that transcendence always implies some form of immanence? Furthermore, obscurity can be a sign of truth, as Aristotle’s comparison of human minds with the bats’ eyes tries to clarify. Some all-too-luminous truths demand that we be healed from natural blindness or myopia.¹⁷

Rather than giving an argument for equating “old” and “traditional” with “false,” several authors use predicates like “metaphysical,” “theological,” and “ontotheological” in a normative and demeaning sense or they capitalize some solemn words like “Divine” Mind or “Absolute Subject” to ridicule opposing interpretations. If the anti-metaphysical position — or, for that matter, a metaphysical one — is defended by what “we today” should or should not “think,” philosophy has been replaced by opinion. One of the (metaphysical) postulates of this doxa might consist in a view of history that bears some similarity to Hegel’s speculative understanding of history as Progress. As a result of the stages through which history has advanced until now, our epoch would possess the truth regarding the past, or at least the supreme criterion of all truth. One difference with Hegel’s view is obvious, however. According to the anti-metaphysicians of our time, Hegel is not the end, but rather a past moment of the development that, through Feuerbach, Marx, Kierkegaard, Nietzsche, Wittgenstein, Heidegger, Freud, Quine, and Derrida, has led to *our* perspective on the basic truth. If such a conception of history were possible, it would provide us with great confidence in the correctness of “our” standpoint. “Our” philosophical establishment could then understand itself as a tribunal for judging the value of past and present

¹⁷ Aristotle, *Metaphysica*, a 1 (993b9-11).

thought in the name of a postmodern orthodoxy with all its dogmas and condemnations. To be against metaphysics, transcendence, and other kinds of "obscurity" would not only be the shibboleth of rigorous scholarship but also a fundamental virtue in philosophy. Established opinions generate authorities that easily replace arguments. Instead of a search, "thinking" then becomes ideologically correct, tyrannical, and intimidating.¹⁸

¹⁸ Ludwig Siep's excellent studies on Hegel's practical philosophy, collected in *Siep, Prakt. Phil* may be seen as representative of the dominant Hegel scholarship in Western Europe. In a chapter on "Hegel's metaphysics of morals" (pp. 182-194), Siep explains that Hegel avoids the word "metaphysics" as the title of any part of his philosophy because his logic, as a speculative critique of the *Verstand*, has absorbed traditional metaphysics and brought it to its Hegelian perfection. Siep then shows how Hegel's reform and "redetermination (*Neubestimmung*) of metaphysics" is at the same time similar to and different from Kant's metaphysics (p. 182). Hegel's philosophy of right is "doubtlessly metaphysics" because it is "the philosophical knowledge of an Absolute that in certain respects is independent of spatiotemporal processes and of conditions of specifically human life and action" (p. 183), and also because it appeals to an unconditional, time- and nature-independent reason (pp. 191-192). At the same time, however, Siep clearly states that "the metaphysical character of Hegel's practical philosophy does *not* seem exemplary for the tasks of a practical philosophy of the present" (p. 191). The latter judgment is not shared by all European Hegel scholars; some see Hegel as a modern Aristotle or even as an exemplary theologian, but most agree with the statement that Hegel's system transforms the metaphysical tradition without rejecting it. See also Rolf-Peter Horstmann, "Metaphysikkritik bei Hegel und Nietzsche," in *Hegel-Studien* 28 (1993): 285-301 and Hans Friedrich Fulda, "Spekulative Logik als 'die eigentliche Metaphysik': Zu Hegels Verwandlung des neuzeitlichen Metaphysikverständnisses," and "Philosophisches Denken in einer spekulativen Metaphysik," in Detlev Pätzold and Arjo Vanderjagt (eds.), *Hegels Transformation der Metaphysik* (Köln: Dinter 1991), pp. 9-27 and 62-82. To illustrate the contrast between the European mainstream and a powerful trend among American Hegel scholars, I will here provide some excerpts from influential studies by the latter.

In his Introduction to the *Companion* (pp. 1-24) Frederick Beiser mentions two objections against Hegel: (1) "his notorious obscurity" and (2) "more importantly, Hegel's apparent indulgence in metaphysics" (p. 2). According to Beiser, as a philosophy of the absolute, Hegel's philosophy is indeed a metaphysics (p. 4), but we must ask what "the absolute" is for Hegel and, consequently, what is Hegelian metaphysics? The latter has nothing to do with God, Providence, or the soul (p. 5) or any other "supernatural entity existing beyond the sphere of nature" (p. 8). Why not? According to Beiser, Kant has proven the unknowability of such an entity, while Schelling and Hegel have affirmed that the supernatural does not exist at all (p. 8). The absolute is "simply the whole of which all things are only parts" (p. 5). Beiser identifies this universe (p. 4) with nature and affirms that Hegel's metaphysics is a scientific naturalism "explaining everything according to natural laws," and a vitalistic materialism, which was the philosophy needed by the natural sciences of his day (p. 8). Those who are convinced that Hegel's philosophy is a philosophy of

spirit must learn that "spirit is only the highest degree of organization and development of the organic powers within nature" (p. 9). Instead of proving these bold statements by analyzing Hegel's own texts on nature, spirit, the absolute, God, etc., Beiser offers a global interpretation of the problems that connected Fichte and Schelling with Kant, giving very little attention to Hegel's own work. He hardly even mentions the *Logic* and the *Encyclopedia*. But if Hegel's philosophy is in the end nothing other than a materialistic theory of nature (pp. 8-9), why then is his philosophy of nature missing from this *Companion*? And why does it not contain a chapter on Hegel's philosophy of the soul and the (subjective) spirit? In any case, it is clear that Beiser's interpretation — in contrast to many of Hegel's own texts — operates from the atheistic and naturalistic perspective "of a strictly immanent metaphysics based upon experience alone" (p. 20) in which there is no alternative between "nature" and "a supernatural entity" (or God as a specific thing). Beiser's contribution, "Hegel's Historicism" (*Companion*, pp. 270-300), pays somewhat more attention to Hegel's texts, but he continues his battle against any form of "eternal entities" (p. 276, cf. 272) by presenting "Hegel's historicism" as "a revolution in the history of philosophy," which "consisted in not only subverting the Cartesian heritage, but also in historicizing the traditional objects of classical metaphysics, God, Providence, and immortality" (pp. 270-271). "The metaphysics of Hegel's historicism" (p. 288) is explained as the *internal* — not external, supernatural, or divine — teleology of history and nature (p. 289), and the absolute spirit is called an abstraction (p. 290-291); however, Beiser seems to understand the word "abstract" in a nominalist way (p. 291), whereas Hegel, who indeed thinks that the spirit cannot exist without the individual spirits of a human world, sees "the universal and abstract" end as an ontological moment of the idea, which includes its concrete realization. Apparently, Beiser does not accept any alternative to the choice between an "abstract" representation or image and a "hypostasis of spirit" (p. 291). That Hegel does not conceive of spirit, soul, or God as separate entities is clear to anyone who has read his *Philosophy of Religion*, and it is somewhat irritating to be told again and again that "Hegel's language here can be extremely misleading" as soon as Hegel speaks about God or spirit (p. 288). Beiser does however try to give yet another explanation of Hegel's "spirit." According to his "non-metaphysical reading of the purpose of history" (p. 292), "the concept of spirit is indeed simply a more-specific account of what Hegel means by the end of history, the self-awareness of freedom." This self-awareness should take the form of "the mutual recognition between free and equal persons; it is the intersubjective self-awareness of their freedom [. . .], 'the I that is a We and the We that is an I'" (p. 292). Like several other American Hegel interpreters, Beiser appeals to one of the intermediary stages of the *Phenomenology of Spirit* to say what the spirit, in the end, is. But he neither explains how this end of history can also be the origin that creates and reveals itself in all the phases of its natural and historical unfolding (Enc BC 384 and 567 ff.), nor does he explain how mutual self-awareness and recognition of singular persons can form one spirit. What does it mean that they "abandon their sense of themselves as separate individuals and [. . .] identify themselves with the social whole" (p. 293)? Besides the fact that Hegel never calls the social whole itself "spirit," one would like to know how mutuality can coincide with unity or totality. As we will see, Hegel's critique of recognition (*Anerkennung*) and contract (*Vertrag*) makes such a coincidence impossible. If "intersubjective self-consciousness" — whatever that may mean — is only "an abstraction" in the nominalist sense of the word, Beiser's answer implies that "spirit" is just a word.

Beiser's position in the *Companion* will come as a surprise to anyone who has read his excellent review article "Hegel, A Non-Metaphysician? A Polemic Review of H. T. Engelhardt and Terry Pinkard (eds.), *Hegel Rediscovered*," in the *Bulletin of the Hegel Society of Great Britain* 32 (1995): 1-13, where he severely and correctly criticizes the anti-metaphysical approach of Hegel's work by Klaus Hartmann and his, predominantly American, followers. Stating firmly that Hegel *reinterpreted* the absolute without simply reaffirming or rejecting its existence as it was interpreted before him, Beiser points out that Hegel "accepted the concept of the infinite in the broad Spinozian sense as that of which nothing greater can be conceived, or that which cannot be limited by anything," and that consequently, Hegel's absolute "cannot be some supersensible reality behind appearances, or some supernatural entity beyond the realm of nature." "The absolute must be the whole of all that exists," and "the task of metaphysics is to provide knowledge of the universe as a whole" (p. 4). All of this accords with Hegel's texts, but (1) Beiser identifies "the whole" with "nature" in an un-Hegelian way (p. 4), leaving out the spirit or reducing it to a property or structure of nature, and (2) he eliminates the ambiguity in Hegel's conception of the absolute by emphasizing the coincidence of the absolute with the totality, without emphasizing at the same time its original unity as idea, substance, and subject.

The combination of an anti-metaphysical interpretation and the identification of Hegel's spirit as mutual recognition of individuals has become popular in American literature on Hegel. Steven Smith, for instance, in *Hegel's Critique of Liberalism: Rights in Context* (Chicago: University of Chicago Press, 1989) writes: "Hegel's dialectic of *Geist* is best interpreted pragmatically or non-metaphysically as specifying some telos of agreement of persons who mutually acknowledge and enhance one another's right to recognition" (p. xi). The advantage of such a position is that Hegel's oeuvre can be reduced to a justification of what "we," in America at the end of the twentieth century, see as the ultimate framework of life. If Hegel's main thesis indeed were contained in his analyses of *Anerkennung*, we could spare ourselves the trouble of reading through his philosophy of the state and his writings and courses on art, religion, and philosophy. They would then add nothing essential to the stages of self-consciousness, contractual right, and civil society. See also Robert R. Williams, *Recognition* (Albany: State University of New York Press, 1992) and *Hegel's Ethics of Recognition* (Berkeley: University of California Press, 1997). Later, I will return to the question of the relations between the spirit and intersubjectivity.

In *Philosophy Without Foundation: Rethinking Hegel* (Albany: State University of New York Press, 1994), William Maker, while referring to Klaus Hartmann and Richard Dien Winfield, asserts that Hegel's philosophy is not a metaphysics, but is instead a purely intrasystemic system of pure reason that does not claim any agreement with "reality as we find it" (pp. 37-38). For proof, he refers (p. 252, n. 40) to Enc C §§ 26-78 and the *Logic*, but he does not explain what Hegel means by stating that Being and Thought are one and the same reality, which thesis is the cornerstone of his system as we will see in Chapter One.

Robert B. Pippin's book, *Hegel's Idealism: The Satisfaction of Self-Consciousness* (Cambridge: Cambridge University Press, 1989), begins by mentioning what he calls "well-known textbook formulations of Hegel's basic position," linking them to "a tradition of commentary often more opaque than the original texts" (p. 3). He concedes that any commentary must faithfully clarify "what Hegel calls the 'self-actualization of the Notion,' a progression fully and finally 'realized' in the 'identity of Notion and reality,' or in the 'Absolute Idea'" (p. 3), but he suggests

that such a clarification is not yet available. Ambiguity and confusion are especially apparent, he writes, in all versions that present a "metaphysical" (be it idiosyncratic Christian, romantic, or "cosmic spirit theological") Hegel. Pippin's judgment about this Hegel is clear: "The metaphysical Hegel looks like some premodern anachronism (or totalitarian bogeyman in some versions)," and Hegel's theory of the Absolute Idea can be saved only if it "could be interpreted and defended in a way that is not committed to a philosophically problematic theological metaphysics" (p. 5). Pippin's portrait of "the metaphysically interpreted Hegel" is a caricature, however. He presents the monism of the commentaries to which he refers in the framework of an either-or. According to Pippin, they portray Hegel as believing that "finite objects did not 'really' exist (only the Absolute Idea exists), that this One was not a 'substance' but a 'subject,' which, though "not a static, eternal, Parmenidean One," was still a Spirit or Absolute Idea unfolding in time (p. 4). Where, in the serious Hegel literature, has Pippin found such unreconciled oppositions? Does not Hegel always insist on the fundamental identity of opposite *moments* of the concept, the idea, the spirit, and the absolute? In his philosophy of religion, for instance, he constantly emphasizes that the one, eternal God is not separate from the empirical and historical reality of the many. The *identity* of identity and difference is precisely the crux of Hegel's system, which is inadequately characterized as a "general antifoundationalist holism" (p. 4). Such an identity may be obscure, but that would not necessarily condemn it. For Hegel, to reject an originary and all-encompassing unity would amount to the dethroning of reason by the power of the *Verstand*. This would bring us back to Kant or some pre-Kantian form of empiricism. Perhaps Pippin would not object to a return to Kant. It is not his purpose to give a historical reconstruction of the Encyclopedic Hegel (p. 10) and he concedes that "obviously Hegel did not put things as I suggest and felt free to use the language of Christian theology, Greek metaphysics, Hölderlin, Schelling, and his own many, many neologisms to express his speculative position" (p. 13). (As far as neologisms are concerned, I would think that most of them are just German translations of well-known Aristotelian categories and other standard terms from the classical tradition.)

Allen W. Wood, in his well-known work *Hegel's Ethical Thought*, recognizes that Hegel "regarded his own philosophical achievement as fundamentally a contribution to metaphysics or 'first philosophy.' In Hegel's view, the foundation of all philosophy is the self-evolving system of [. . .] abstract thought-determination, presented in the purely philosophical discipline of speculative logic" (p. 1). However, "speculative logic is dead" because the revolution of logic in the late nineteenth and early twentieth centuries (Frege, Russell, etc.) has shown this to be so (pp. 4-5). However, the dogmatic acceptance of the new logic as the criterion for the evaluation of all former philosophies does not compel Wood to give up all interest in Hegel's work. One should be sensible enough to avoid Hegel's speculative metaphysics, for if you are not, "you will humbug yourself into thinking that there is some esoteric truth in Hegelian dialectical logic which provides a hidden key to his social thought"; however, "there is a powerful and important *ethical theory* in Hegel's work, which should be taken seriously by moral philosophers as well as by those who are interested in Hegel's social and political thought" (p. xiii). I am not the only one to be amazed by Wood's position. George Di Giovanni, in his review of Wood's book ("Hegel, Nature, and the Rationalization of Experience," in *Dialogue* 32 (1993): 783-794) expresses a similar amazement: "It is a curious feature of Hegelian studies in English that its practioners seem incapable of tackling their subject

without first disclaiming any adherence to the more metaphysical side of Hegel's thought" (p. 783). However, I am even more amazed about the existence of an "ethical *theory*" (my emphasis), which Wood even equates with "philosophical foundations," when Hegel's thought is stripped of its dialectical, i.e., not only conceptual, analytical, and argumentative, but also ontological, substance. How is it possible that Hegel himself mistook the non-dialectical logic of his ethical theory for a concretization of the method displayed in his own *Logic*?

Peter Steinberger, who published his *Logic and Politics: Hegel's Philosophy of Right* with Yale University Press in 1988, would disagree with Wood's elimination of Hegel's logical basis because the purpose of Steinberger's book is "to consider the philosophy of Right explicitly in light of the *Logic*, i.e., as governed by, and as an application of Hegel's philosophical method" (p. ix). However, he too limits this scope by "largely ignoring the substantive metaphysical arguments that comprise the greater part of the *Logic*," for example, "most of the particular claims that Hegel makes pertaining to being and becoming, appearance and actuality, the Absolute, and the like" (p. 45). Wishing to focus on Hegel's "philosophical method" (p. 45), he apparently assumes that such a study can be separated from the two first parts of Hegel's *Logic* (cf. also pp. 44-47 of *Logic and Politics*). Though interested in Hegel's logic, he, like Wood, judges Hegel in the name of his own convictions: "In each case, the concern is to render Hegel's arguments in something like a logical form so that they can be evaluated in terms of the standard laws of thought and rational inference. The goal is less historical, literary, or even exegetical than discursive" (p. vii), which, according to Steinberger, also involves some elimination of obscurities.

A forthright account of the difficulties with which "analytic" philosophers must cope, if they — surprisingly — choose to study Hegel, can be found in Michael O. Hardimon's *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994). This book adheres to the following three guidelines: (1) avoid Hegel's technical vocabulary, (2) minimize reliance on Hegel's metaphysics, and (3) present his views in terms that "we" can understand (p. 8). This program is, of course, based on several presuppositions. Can a philosophy (e.g., Aristotle's or Kant's or Frege's) be separated from the terminology it has forged to express new thoughts? Can Hegel's thought be divided into two parts: one that is metaphysical and one that is not? What sort of metaphysics would that be? Why should we ignore the metaphysical part? Is the other part still interesting when it is severed from its foundation and the whole? Who are the "we" that figure as the criterion for understanding? Did "we" not receive enough education to understand Hegel's German in the context of the early nineteenth century and the tradition of metaphysics? Must we adapt all classics to the standards of the twentieth-century sensibility of enlightened intellectuals? Hardimon concedes that his program "forces" him "to forego making exegesis a central part," but he continues to claim that his interpretation is "rooted in close readings of the texts" (p. 8). It is not clear to me how a correct reading is possible without exegesis, but Hardimon claims that his lack of exegesis is the price that must be paid for gains in clarity and perspicuity. The reason he forces himself to neglect all metaphysics probably lies in a horror he shares with other commentators: "spirit," he writes, "has the disadvantage of suggesting immateriality or incorporeality" (43). Hardimon does not seem to be aware of the (metaphysical) prejudice he thus reveals; he neither tells the reader what he means by the word "immaterial," nor why materialism should be the only respectable metaphysics — he is probably

Much power and glory is given to the conviction that the Enlightenment, through science and secularism, has put an end to the era of metaphysics and theology. This opinion can be impressive when it is supported by a profound familiarity with the classical monuments of Hebrew, Greek, Roman, and European thought and by a convincing diagnosis of the place and meaning of modernity, Enlightenment, and the postmodern problematics with which we find ourselves confronted. It is not impressive when it is no more than an intellectual or provincial commonplace. A critical interpretation of the doxic and behavioral modes of "our time" can make us more free with regard to the past and present of our culture (or rather *cultures*), for the talk of "*our standards*" and the "*we*" that thinks is a myth that urgently demands a critical diagnosis.

The implicit genealogy on which the prevailing fashion of today's philosophy rests seems to be a modified version of the progressive ideology that was typical for most of the eighteenth and part of the nineteenth century. It fits into a view of Western civilization according to which "the Greeks" inaugurated a contemplative culture of truth and beauty, a culture that was interrupted and obscured by a long period of "dark," superstitious, and infantile ages, but came to life again in modernity, of which "we" are the heirs. It took a few centuries to overcome the naive, magical, theological, and metaphysical elements that still haunted modern thinkers from Descartes to Hegel, but now, fortunately, science and logic have purified humanity of its illusions. Feuerbach, Marx, Comte, Darwin, Nietzsche, Freud, Carnap, and Russell are the key figures who enabled us to finally be at home in the *real* world, which we can now, finally, describe in scientific, sociological, and historical terms.

counting on a widespread prejudice that has exempted itself from justification.

These samples may suffice to illustrate a tendency that is most pronounced in much of the recent American Hegel literature. Important aspects of Hegel's thought are either condemned as outdated or revised and adjusted to another framework. In both cases, more attention is paid to the epistemological scholasticism that has conquered most American universities than to a careful reconstruction of the historical Hegel. A very different approach, in which Hegel's absolute and spirit is taken seriously and patiently discussed in relation to the classics and contemporary analytic philosophers, is found in John McCumber, *The Company of Words: Hegel, Language, and Systematic Philosophy* (Evanston: Northwestern University Press, 1993).

Genealogies are needed in order to feel at home in history and to justify — by appealing to preferred authorities and traditions — a specific mode of belonging to a community. The Feuerbachian, Comtian, and Nietzschean interpretations of Western history have resonated in many minds, and Hegel's philosophy certainly offers *aspects* that can be developed into a secular humanism without spirit or the absolute. However, a weakness in the prevailing genealogy lies in its ignorance concerning the long period ranging from Plotinus, or even Aristotle, to the beginning of modernity, a period of 1200-1800 years. Through the splendid scholarship of the last century, it has become impossible to characterize that period as a "dark" age, as Hegel, in his ignorance, persisted in doing. Other interpretations of Western history are now possible, and therewith other genealogies of belonging to that history as heirs of its heritage. It is no longer necessary to depreciate the so-called Middle Ages in order to praise modern humanism for its great discoveries; neither is it necessary to depreciate modernity to rehabilitate the artistic, philosophical, theological, and mystical treasures of the first 1600 years of our chronology. It is not forbidden nor does it show a less rigorous level of scholarship to view the modern Enlightenment as an unsuccessful experiment, despite the importance of its partial conquests, for which everyone should be grateful. The modern conception of autonomy and emancipation has demonstrated many serious restrictions and hardly anyone today would imitate Descartes or Hegel in attempting to reconstruct the entire universe with an eye to its rational reshaping. If the ideal of "autonomy" is no longer accepted as the basis of our culture, it becomes possible to see even modernity — and not the so-called Middle Ages — as the middle or transitional epoch, namely, as the period that occurred between the great tradition from Plato to Dante and the postmodern or postpost-modern culture that is, here and now, being born.

However, it is unnecessary to give an overall interpretation of "the Western history," as if, analogous to an individual life, it would form an organic whole whose phases are conserved and integrated in its last epoch. Does not the rigorous study of history teach us that we cannot understand periods as subordinate moments of one overall pattern teleologically oriented to a final stage? Certain ways of belonging extend over centuries, and

certain chronologically separated epochs can be experienced as simultaneous. For example, one can feel more affinity with Francis of Assisi than with Nietzsche or be closer to Plotinus and Levinas than to Pyrrho and Wittgenstein. Does such a preference show that someone is “hopelessly outdated”? On which grounds other than authority or arrogance could such a judgment be based?

What, then, is the philosophical force or the truth factor of time? Historicism is as clear a case of metaphysics as Hegel’s thesis that history, as a temporal process, can only be an appearance of the eternal truth. The absoluteness of the historicist postulate testifies to its non-empirical, pre-scientific character. Whether it fits better into the *doxa* or the *ethos* of “today’s intellectuals” may be debated; but even if we concede that all intellectuals nowadays share the same convictions — *quod non* — intellectuals do not constitute the supreme court of truth. They do not form one homogeneous group; and *all* opinions, even those of journalists and professors of philosophy in prestigious universities, deserve suspicion. Even if they are seldom challenged, they could be the academic expression of the many, toward whom Plato’s Socrates directed his mixture of ironic benevolence and condescending interest.

The polemical remarks expressed here are not meant to impose a specific framework on the interpretation that is defended in this book. Rather, they point to a perspective that is neither in agreement with Hegel’s own basic presuppositions concerning systematic philosophy and history, nor with those of his anti-metaphysical commentators. My interpretation tries to be as historically exact and “positivistic” as possible, but I am quite aware of the hermeneutical impossibility of clarifying Hegel’s work in a way that would have been adequate in 1820. I cannot teach Hegel the way his best assistant would have. Nonetheless, I must try, in very different circumstances and means of communication, to come close to a faithful reconstruction. A succinct account of the precautions that must be taken in view of this goal would constitute the outline of a hermeneutical methodology for Hegel scholarship.¹⁹ Here I must restrict myself to formulating only a few of these precautions. In

¹⁹ The hermeneutic principles that guide my research in the history of philosophy are explained in *System and History* (Albany: State University of New York Press, 1986).

doing so, I will focus on Hegel's philosophy of right in the broad sense of the word "right" in which the legal, moral, familial, economic, political, and historical aspects of human existence are encompassed.

Philosophy and Historical Reconstruction

For a philosopher, the reconstruction of a classical work is subordinate to the personal rethinking of the questions treated in it. When we combine the skills needed for both activities, a delicate balance must be achieved that does justice to both the historical meaning of the studied texts and the potential that a creative appropriation can discover within them. The hermeneutic retrieval to which philosophers are drawn does not justify historical distortions, but it does permit imaginative transformations, insofar as such a retrieval does not have historical pretensions.

In discussing past theories, we try not to make the mistake of treating them as either contemporaneous or as dead relics of a henceforth sterile past. If we do not master the specific skills needed for a professional "history of ideas," we tend to replace the classics we want to discuss, with caricatures or, on the contrary, with mirror images of ourselves. Even great philosophers are guilty of such distortions. Many of them were not the best readers, as can be shown by examining, for example, Aristotle's accounts of Plato, Descartes' account of medieval philosophy, Kant's account of Aristotle, or Hegel's account of Plotinus.

Poor listening or reading does not necessarily preclude interesting metamorphoses of half-understood texts, but it does impede a true dialogue. The fact that so many classic thinkers of Western philosophy have failed as historians might be due to the monologism that characterizes the Western tradition. If our era is more sensitive to the intersubjective and dialogical conditions of philosophy, this should be expressed in more respectful manners of listening and doing justice to the works we use in our own thinking.

Though the monological tendency of our tradition may offer an explanation, it remains an amazing phenomenon that some philosophers seem to interrogate Hegel on the basis of their own theses without giving Hegel any chance to speak for himself by

explaining the basic perspectives and presuppositions through which *he* approaches his questions. If Hegel's presuppositions are to be found anywhere, it is in the various versions of his *Logic*; however, this part of his system — the only part where, as he claims, the true method is delineated and justified²⁰ — is not studied by many Anglo-American scholars.

Under the influence of Kojève's (mis)interpretation of the *Phenomenology of the Spirit*, this extremely difficult book has taken the front seat in the English Hegel literature, but one cannot say that the question of its method and, in general, of the logic by which it is ruled, has led to a clear answer that could be accepted as the basis for further Hegel research.

The neglect of Hegel's logic opens the door for a great variety of partial interpretations that correspond to the preferences of the commentators. This has led, for instance, to a more Kantian than Hegelian Hegel, an anti-metaphysical, and a historicist Hegel. Such portraits — which sometimes border on caricatures — may have their usefulness if they recognize their own limitations; some of them show, in an interesting way, how certain elements contained in his quarry may develop a life of their own that disrupts the horizons Hegel imposed on them. As explanations or commentaries, however, such attempts are misleading.

Purpose

This book is a commentary on one text: Hegel's *Grundlinien der Philosophie des Rechts* (1820).²¹ It treats that part of the Hegelian system that the *Encyclopedia* calls "philosophy of the objective

²⁰ Cf. the first and the last sections of the Preface to the *Grundlinien* and §§ 1R, 2R, and *passim*.

²¹ The book has two titles: *Naturrecht und Staatswissenschaft im Grundrisse* (*Natural Law and Political Science in Outline*) and *Grundlinien der Philosophie des Rechts* (*Groundplan of the Philosophy of Right*). The word *Grundlinien* (baselines) in the second title is difficult to translate. "Principles" would be possible, though not precise, while Nisbet's choice "Elements" is felicitous, especially when one makes the connection with Euclid's *Elements*. Although the title page indicates 1821 as the year of publication, the book was already available in 1820. A succinct overview of the historical context in which the book was written can be found in my *Philosophy and Politics*, pp. 15-31. In the present book I will not repeat the detailed explanation of the famous Preface and the information given there but I will presuppose familiarity with it.

spirit.”²² There and in the book of 1820, Hegel emphasizes that this part of his philosophy cannot be separated from the systematic whole in which it is firmly linked to the study of other parts of reality and thought; its truth and relevance cannot be understood in isolation. If Hegel is right on this point — and it will become obvious that he is — a commentary on his philosophy of right cannot avoid clarifying other aspects of his system. In principle, this would require a commentary on Hegel’s entire philosophy. However, some elements and connections are more obvious and relevant than others and even a full account of Hegel’s oeuvre would uncover still unexplored topics and connections. Though all limitations are more or less arbitrary, pragmatic concerns call for restraint. I will therefore restrict myself, as much as possible, to what Hegel calls “right” and to those issues that are directly linked to it.

The method with which Hegel approaches “right” and the general ontology that is presupposed by it are unique and the subject of much debate. An analysis of Hegel’s theory of right, therefore, cannot do without at least a succinct explanation of his ontological and methodological assumptions, both of which are thematized in his *Logic*. Thus, I will dedicate the first chapter of this book to a few key points of Hegel’s (onto)logical practice and theory.

Systematic Connections

To understand how the philosophy of “right” belongs to a wider constellation, we must turn to the only work in which Hegel gives an overview of his entire philosophy: the *Encyclopedia of the Philosophical Sciences in Outline*.²³ In particular, his conception of spirit, the relations between theory and practice, and the relations

²² Cf. Enc A 400-452; B 482-552; C 483-552. See also Wa 6 and GrI 57R and 71R.

²³ *Encyclopädie der philosophischen Wissenschaften im Grundrisse*: first edition (Heidelberg), 1817; second edition, 1827; third edition, 1830. I will indicate the three versions by the capitals A, B, and C, followed by the number(s) of the section(s) to which I refer. The critical edition of the *Encyclopädie* of 1827 and 1830 is given in GW 19 and 20. The text of the 1817 edition can be found in the Jubiläumsausgabe of the *Sämtliche Werke* by Hermann Glockner, Volume 6 (Stuttgart: Frommann-Holzboog, 1956). An English translation of the latter is provided by Steven A. Taubeneck and published in The German Library, Volume 24 (New York: Continuum, 1990). I will, however, give my own translations.

between subjective, objective, and absolute spirit must be clarified before we can acquire an insight into the meaning and truth of “right.” Hegel’s approach to these and all other issues is ruled by logical, ontological, and methodological principles unfolded in his *Logic*, of which he published several versions: one in his *Wissenschaft der Logik* in three volumes, published respectively in 1812, 1813, and 1816, partially revised and republished in 1832, and three other versions in the three editions of his *Encyclopedia* (1817, 1827, and 1830). Logic (in Hegel’s broad sense, which encompasses formal logic, epistemology, ontology or *metaphysica generalis*, metaphilosophy, and methodology) rules all of Hegel’s works. In order to follow the argumentation of the *Grundlinien*, we must, therefore, be aware of the underlying logic. However, we cannot simply presuppose that the operative logic of Hegel’s philosophy of right is a straightforward “application” of the logic displayed in the *Logic*, or even that it perfectly coincides with the explicit logical theory published in one of its versions. On the other hand, these versions cannot be ignored when reconstructing the demonstrations of the *Rechtsphilosophie*.²⁴

Hegel’s system, and therewith his conception of “right,” is also somehow contained in his *Phenomenology of Spirit*, published in 1807. This book was intended to be “the first part” of Hegel’s “system of science,”²⁵ but it developed into a complete philosophy of the experiences through which human consciousness discovers how it can reach the dimension of truth. The whole of Hegel’s thought is present in all his works, even in the most partial and fragmentary ones, but showing this demands a complete commentary on the unity of all his writings. This presupposes not only

²⁴ Cf. GrI, Preface, §§ 2, 2R, 4R, and *passim*. The logic of Hegel’s philosophy of right has been discussed for many years, but the discussion has not led to a clear and convincing conclusion. See, e.g., the proceedings from a symposium on this question in Dieter Henrich and Rolf-Peter Hortsman (eds.), *Hegels Philosophie des Rechts: Die Theorie der Rechtsformen und ihre Logik* (Stuttgart: Klett-Cotta, 1982), and two important studies by Angelica Nuzzo: *Rappresentazione e concetto nella ‘logica’ della <Filosofia del diritto> di Hegel* (Napoli: Guida, 1990) and *Logica e Sistema: Sull’ Idea Hegeliana di Filosofia* (Genova: Pantograf, 1992). In *Hegels prakt. Phil.* I have analyzed the logic of Hegel’s philosophy of freedom and right as presented in the three versions of the *Encyclopedia*; in the present book, I try to clarify the logic of the *Grundlinien* by insisting on the conceptual structures involved in Hegel’s argumentation.

²⁵ Cf. the editorial information in GW 9, pp. 453-464.

a comparison between them, but also a genetic study of the considerable transformations of Hegel's thought from his youth to his death in 1831. A certain degree of familiarity with the evolution of Hegel's thought is therefore desirable, perhaps even necessary, for a correct interpretation of his works. Before a precise account of that evolution can be given, however, each period must be studied synchronically, and this presupposes concentration on the way in which the writings of that period clarify one another. Because the main purpose of my commentary is to clarify a book written in 1820, I will emphasize the relations it maintains with other texts that were written in theoretical and temporal proximity to it. Among them, the first edition of the *Encyclopedia*, published in 1817, takes first place, especially its sections on logic and objective spirit. This text presents the first outline of Hegel's entire system, written in a dense, difficult, and not always grammatically correct style. Later amplifications and corrections, found in the second (1827) and third editions (1830), are often helpful to understand the text of 1817, but the first edition has the advantage of anticipating much of the theory unfolded in the 1820 text, while presenting this in the form of a succinct overview.²⁶

Student Notes

From 1801 until 1807 and from 1817 until his death in 1831, Hegel lectured every year, first in Jena, then in Nürnberg, Heidelberg, and Berlin, on various parts of his philosophy. He gave a course on *Logic and Metaphysics* more than twenty times. In Jena (1801-1807) he announced a course on this topic ten times, and from 1817 to 1831 he taught it each summer, except in 1818, when he taught "philosophical encyclopedia," as he did in three other semesters (winter 1816-17, 1818-19, and 1826-27). In Heidelberg and Berlin he also regularly taught the history of philosophy (nine times) and the philosophy of right (eight times); the ninth course in the history of philosophy and the eighth on the philosophy of right were terminated after two classes because of Hegel's death.

²⁶ Karl-Heinz Ilting has published the part of the 1817 *Encyclopedia* on Objective Spirit with Hegel's marginal notes in Volume One (pp. 136-215) of his edition of Hegel's *Vorlesungen über Rechtsphilosophie 1818-1831* in four volumes (Stuttgart: Frommann-Holzboog, 1973-74).

Other courses were given on philosophy of nature (four times, after the four times in Jena), philosophy of history (five times), anthropology and psychology (six times), aesthetics (six times), and philosophy of religion (four times).²⁷

It is fortunate that Hegel's first course on "Natural Law and Political Science," given at the University of Heidelberg during the winter of 1817-18, has been preserved in the form of student notes written by P. Wannenmann, who studied law at the university. A comparison with Hegel's published work makes clear that these notes are of a high quality: the student seems to have understood very well what Hegel taught and the notes form a coherent and accessible text without gaps. Hegel's second course, given in the winter of 1818-19 at the University of Berlin, is known to us through both the more concise and less illuminating notes of another student, C. G. Homeyer, along with Wannenmann's notes on the first few classes. In the winter of 1819-20, Hegel again gave a course on the philosophy of right, before publishing his book in September or October of 1820. The notes from this course also form a running commentary, but their quality is not high. Wannenmann's notes for the 1817-18 course and for the beginning of the 1818-19 course were published by Otto Pöggeler and his collaborators of the Hegel Archive. The notes of Homeyer were published by Karl-Heinz Ilting in 1973 (in *Ilt* 1, pp. 217-351) and in a revised form, together with Wannenmann's notes, in 1983. Ilting also published the student notes of several later courses on the philosophy of right in Berlin, while the course of 1819-20 was published by Dieter Henrich, together with his commentary.²⁸

²⁷ Cf. Wolfgang Bonsiepen et al., "Berichte über Nachschriften zu Hegels Vorlesungen," in *Hegel-Studien* 26 (1991): 11-119. A handy overview of all Hegel's courses can be found in Claudio Cesa (ed.), *Guida a Hegel* (Bari: Laterza, 1997), pp. 326-327. With regard to the editorial problems created by the manifold of recently discovered student notes, see Walter Jaeschke, "Probleme der Edition der Nachschriften von Hegels Vorlesungen," in *Allgemeine Zeitschrift für Philosophie* 5/3 (1980): 51-63; Otto Pöggeler, "Hegel Editing and Hegel Research," in J. O'Malley (ed.), *The Legacy of Hegel* (The Hague: Martinus Nijhoff, 1973), pp. 8-23, and "Nachschriften von Hegels Vorlesungen" (in which information is also provided about the edition of the *Gesammelte Werke*) in *Hegel-Studien* 26 (1991): 121-175.

²⁸ For Wannenmann's notes, I will use the edition by Becker et al, because it is the most trustworthy; cf. W. Bonsiepen, "Philologisch-textkritische Edition gegen buchstabengetreue Edition?" in *Hegel-Studien* 19 (1984): 259-269. For Homeyer, I refer to Ilting's publication of 1983. The course notes of 1819-20

The courses given in 1817-18 (in Heidelberg) and 1818-19 (in Berlin) precede the publication of the *Grundlinien* in 1820; sometimes they are helpful for interpreting difficult passages of the *Grundlinien*, and on some questions they are more straightforward than Hegel's published texts. The most interesting of the three courses that precede the book of 1820 is certainly the one reported by Wannenmann: it contains several developments that are found nowhere else, it gives more examples than the *Grundlinien*, and it does not seem to be tainted by any fear of offending the government. The latter feature could be explained by the fact that the course was given in Heidelberg, which belonged to the more liberal state Baden-Württemberg, and before the "Decrees of Karlsbad" were published in September 1820, whereas the book appeared after that date.²⁹ Following the publication of his book,

can be found in Vorl (Henrich). I will rarely quote from these notes because their accuracy is questionable (see the critical review by Hans-Christian Lucas in *Hegel-Studien* 20 (1985): 295-302). A precise overview of Hegel's courses on the philosophy of right, the *repetitoria* and *conservatoria* that were given by his assistants, and the preserved course notes along with their differing trustworthiness can be found in Elisabeth Weisser-Lohmann's "Hegels Rechtsphilosophische Vorlesungen, Zeugnisse, Manuskripte und Nachschriften," in *Hegel-Studien* 26 (1991): 63-73. Several commentators have exaggerated the importance of the course notes, especially those of Wannenman. However, in comparing the student notes with the *Grundlinien*, I have not found any essential difference, but most often paraphrases, illustrations, or clarification.

²⁹ Although the Wannenmann notes sometimes present a more straightforward Hegel than the text of the *Grundlinien*, I do not accept Ilting's thesis that Hegel, out of fear of the censor, repressed his more liberal thoughts in the published text of the *Grundlinien* (see below). Regarding this question, see the thorough reconstruction of the facts by H. C. Lucas and U. Rameil in "Furcht vor der Zensur? Zur Entstehungsgeschichte von Hegels Grundlinien der Philosophie des Rechts" in *Hegel-Studien* 15 (1980): 63-93; see also some revealing documents in P. Brückner, ". . . bewahre uns Gott in Deutschland vor irgendeiner Revolution!" *Die Ermordung des Staatsrats v. Kotzebue durch den Studenten Sand* (Berlin: Wagenbach, 1975), and my summary of the issue in *Philosophy and Politics*, pp. 20-28. Paolo Becchi, *Le filosofie del diritto di Hegel* (Milano: F. Angeli, 1990), pp. 48-52 gives more details. About the historical conflict, see W. Simon, *The Failure of the Prussian Reform Movement, 1807-1819* (Ithaca: Cornell University Press, 1955); E.R. Huber, *Deutsche Verfassungsgeschichte seit 1789: Reform und Restauration 1789 bis 1830*, Volume One (Stuttgart: Kohlhammer, second edition, 1975), pp. 717-732; and K.G. Faber, "Student und Politik in der ersten deutschen Burschenschaft," in *Geschichte in Wissenschaft und Unterricht* 21 (1970): 68-80. The most complete historical study on Hegel in the German context is Domenico Losurdo, *Hegel und das deutsche Erbe: Philosophie und nationale Frage zwischen Revolution und Reaktion* (Köln: Pahl-Rugenstein, 1989). Cf. also the summary in *Principes* (Kervégan), pp. 8-13 and the studies mentioned below in note 41.

Hegel gave courses on the philosophy of right in the winter semesters of 1821-22, 1822-23, and 1824-25. He began another course in 1831, but died after the first two classes given on November 10 and 11. In all of his courses after 1820, Hegel taught the *Grundlinien*, whose first sentence presents it as a manual and whose title page contains the phrase "for use in his classes."³⁰

Some real or only apparent differences between the thoughts expressed in some courses and the book of 1820 have reawakened an old debate about Hegel's personal attitude toward the political situation of his time and the question of his honesty or opportunism in expressing that position.³¹ Since the present commentary focuses on the book of 1820, I will use the early and later course notes only insofar as they are helpful for the explanation of Hegel's printed text, not as material for a historical study of Hegel's changes of mind or as testimonies of a more or less "conservative" or "progressive," "democratic" or "royalist," "liberal" or "servile" stance. The question of whether Hegel was a courageous man or had *opinions* that are agreeable to European or American professors of the 1990s seems to me less interesting than the question of whether Hegel, in his main publication on practical philosophy, proves a theory that is coherent in itself and with the other parts of his system. We do not need Hegel's authority to make up our own minds, but as historians we want to know what he really said and how he argued for it, and as philosophers we should take him seriously when he argues for the reasonability and necessity of a philosophical position. In any case the purpose of my book is to gain insight into a monument, Hegel's book of 1820,

³⁰ Heinrich Gustav Hotho's course notes of 1822-23 are published in Ilt 3 (see note 26), while K.G. von Griesheim's notes of 1824-25 and those of D.F. Strauß on Hegel's last two classes in 1831 can be found in Ilt 4. Student notes on a part of the course of 1821-22 have been discovered and described by Hansgeorg Hoppe. See his "Hegels Rechtsphilosophie von 1821/22" in *Hegel-Studien* 26 (1991): 74-78.

³¹ Cf. Ilting's Preface to his first volume (Ilt 1, pp. 25-126), which generated a lively discussion among German Hegel scholars. A judicious evaluation of Ilting's thesis can be found in Henning Ottmann, "Hegels Rechtsphilosophie und das Problem der Akkomodation," in *Zeitschrift für philosophische Forschung* 33 (1979): 227-243, and "Hegel and Political Trends: A Criticism of the Political Hegel Legends," in *Myths*, pp. 53-69, 324-326; and Claudio Cesa, "Edizioni e discussioni Hegeliane," in *Giornale Critico della Filosofia Italiana* 64 (1985): 334-342. See also note 55.

rather than to read the—hidden or outspoken—mind of professor Hegel.

In general, the student notes written during or after Hegel's classes should be used with caution. Most of Hegel's philosophy of history, art, religion, and history of philosophy was edited by his friends, shortly after his death, on the basis of their and others' course notes.³² In our century, a considerable amount of formerly unknown student notes of several courses have surfaced, and some have been published. Their quality is uneven; many are trustworthy as faithful renderings of Hegel's dictations and explanations, but others are muddled and confused, as one may expect from students who listened to a less than rhetorically brilliant teacher, who spoke in a jargon of his own about the most difficult questions of philosophy.³³ With regard to the philosophical aspect of Hegel's thought, the notes rarely add radically new information to a careful analysis of the published texts. Their advantage consists mainly in the fact that they show how Hegel, more or less successfully, tries to translate his difficult thought into more accessible language for the students, many of whom were planning careers outside philosophy.

To prepare himself for his classes, Hegel sometimes wrote fragments or jotted down a few notes in the books he was to explain. The handwritten notes to the *Grundlinien* have been deciphered (though not always correctly) and published by Lasson, Hoffmeister, and Ilting; the notes on the parallel parts of the *Encyclopedia* of 1817 were published by Ilting.³⁴ As authentic texts, they deserve serious attention, but since they are rarely composed of

³² See the prefaces of the edition of Hegel's *Werke* by the *Freunde* (Berlin: Duncker & Humboldt, 1832-45) and below note 36.

³³ See Heinrich Gustav Hotho's lively description of Hegel's teaching style in Günther Nicolin (ed.), *Hegel in Berichten seiner Zeitgenossen* (Hamburg: Meiner, 1970), n. 385, pp. 245-256. With regard to the editorial problems of the numerous *Nachschriften*, see note 27.

³⁴ Georg Lasson first published these notes in *Hegel-Archiv*, vol. 2, n. 2 (1914) and vol. 3, nn. 1-2, (1916) and later, as "*Hegels eigenhändige Randbemerkungen zu seiner Rechtsphilosophie*" in Meiner's edition of the *Grundlinien* (Leipzig: Meiner, 1930). Johannes Hoffmeister published a revised version with Hegel's marginal notes — the version that I use — in the fourth edition of the *Grundlinien* in his *Neue Kritische Ausgabe* of the *Sämtliche Werke*, Volume 12 (Hamburg: Meiner, 1955), pp. 301-432. Karl-Heinz Ilting published a revised version of the same notes in his edition of the *Grundlinien* in Ilt 2, and Hegel's handwritten notes to the first edition of the *Encyclopedia* in Ilt 1, pp. 127-215.

well-formed sentences, they often remain obscure. More elaborate fragments written by Hegel in preparation for his classes have almost the same status as the texts Hegel himself published, although even here it remains a question whether Hegel found them good enough to publish. On the philosophy of right, we do not possess any lengthy unpublished fragments, but we do have a publication concerned with political questions dating from the same time as the Heidelberg *Encyclopedia*: a tract on the Constitution of Württemberg. This rather curious work is relevant for Hegel's thought concerning the political constitution of the state; however, the book of 1820 is more helpful for a correct understanding of the tract than the other way around.³⁵

What has been said about the student notes must also be applied to the so-called *Zusätze* (additions), added by "the friends" to the third edition of the *Encyclopedia* (1830) and the book on *Rechtsphilosophie*. We may be grateful to Leopold von Henning, Karl Ludwig Michelet, Ludwig Boumann, and Eduard Gans, who provided the first interpretation of those books by clarifying and illustrating their content through fragments of Hegel's oral explanations. But here too caution is necessary.

With regard to Hegel's philosophy of right, the *Freunde* have not added *Zusätze* to the text of the *Encyclopedia* because they, along with Hegel, saw it as a summary of the more extensive text of 1820, which they enriched with fragments taken from the courses. Since we have student notes on all of Hegel's courses on the philosophy of right, those additions to the *Grundlinien* have lost most of their importance. Rather than being guided by Gans's selection of passages from the courses, we can now make our own selection from the available course notes.

For other parts of the *Encyclopedia*, especially the theory of subjective spirit, the logic, and the transitions from the logic to the philosophy of nature and from there to the philosophy of spirit, the general question of the *Zusätze* is still relevant. Though they are added to the third version of the *Encyclopedia*, published in 1830, many of them are taken from courses given much earlier, for which the first edition (1817) functioned as a textbook. Where the

³⁵ *Verhandlungen in der Versammlung der Landstände des Königreichs Württemberg, im Jahr 1815 und 1816*, GW 15, pp. 30-125.

first and the other editions (1827 and 1830) of the *Encyclopedia* differ, these additions create a certain confusion. In such cases, it is obvious that the additions cannot be accepted as authentic explanations of the later published texts to which they are added, even when the additions are much easier to read, which is often the case.³⁶

Some commentators, however, seem to prefer the *Zusätze* over Hegel's own writings; additions are sometimes even quoted as the only textual evidence for the interpretation of highly controversial issues. For scholarly use, however, we should use them only as applications, confirmations, or concretizations of Hegel's theory. Only in cases where authentic texts are unavailable may they be accepted as indications of Hegel's answers to questions that are not treated in his handwritten or published work. If they contradict the explicit theory of the authorized texts, we can presume that the student is wrong, unless we can show that it is plausible that they express a change in the evolution of Hegel's thought. On issues where Hegel left us without any authorized treatise (as is the case for large parts of the Aesthetics, the History of Philosophy, and the Philosophy of World History) we must, of course, use the surviving course notes as the only possible access to Hegel's thought; but here, too, the ultimate criteria for their authenticity lie in the principles of his authorized work.³⁷

³⁶ On the value of the *Zusätze* to the *Encyclopedia*, I maintain my position expressed in *Selbsterkenntnis*, pp. 167-168, n. 6, but I will use the student notes on the *Rechtsphilosophie* more liberally than before. Not only do they often reformulate in a more concrete and accessible way what Hegel's text frequently expresses in very abstract language, they also emphasize the continuity of Hegel's position throughout the stages of his thought from 1817 until his death. For a critique of Gans's *Zusätze* to the *Grundlinien*, see Johannes Hoffmeister's preface to the fourth edition of Hegel's book (without *Zusätze*): Grl, pp. ix-xvi, and Friedhelm Nicolin, *Hegels Bildungstheorie* (Bonn: Bouvier, 1955), p. 162. Hegel gave a course on the *Encyclopedia* (text of 1817!) in the winters of 1818-19 and 1826-27. On logic, however, Hegel lectured almost every year, and it is possible that some *Zusätze* to the logic of the *Encyclopedia* might have come from lectures on the *Logic*. According to Leopold von Henning's preface (pp. vi-vii) in his edition (1839) of the *Encyclopädie* of 1830, the editors of the *Encyclopedia* sometimes changed or completed the sentences in which the students had rendered Hegel's classes.

³⁷ For other authentic texts written around 1820, see the already published volumes 15, 17, and 18 of the *Gesammelte Werke* and the overview by Friedrich Hogemann and Helmut Schneider: "Verzeichnis der Heidelberger Schriften Hegels (1816-1818)," in *Hegel-Studien* 28 (1993): 21-39.

Genetic Connections

Although a commentary on Hegel's *Rechtsphilosophie* of 1820 is not a genetic study of Hegel's evolution, the chronological place and function of this book in the development of Hegel's thought cannot be entirely ignored. From a Hegelian perspective, one could try to determine the acme of Hegel's growth and thereby view all preceding writings as preparation. Would that acme coincide with the last version of his *Encyclopedia* (1830), shortly before his death? If so, practically all his texts would then be interpreted as approximations or fragments of the definitive system. If, however, the summit is reached in the *Grundlinien* (1820) or in the *Phenomenology of Spirit* (1807), later texts would be read as repetition or elaboration, or even as more or less decadent. However, the idea that the development of a person's philosophy preserves all the discoveries of each stage and "lifts them up" in the final, most mature stage might be false. Would we not do more justice to the course of most philosophical lives by assuming that discoveries are often paid for by the loss of conquests that belonged to former stages on the journey toward truth? Rather than a teleologically well-ordered course, a human life may instead be an adventure in which certain possibilities are discovered, attempted, and abandoned, whereas others are pursued, unfolded, and transformed into the reality of what one becomes in the end, for better or worse.

Hegel's journeys of discovery were not straightforward; he made unexpected turns, especially during the years 1793-1806, and the *Phenomenology* of 1807 surely does not present the final stage of his thought.³⁸ In addition, the logic of his first *Logic* (1811-1816) was later revised, and there are also some major differences between the philosophy of objective spirit, as it was presented in the

³⁸ Neither can the *Phenomenology* of 1807 be seen as part of Hegel's encyclopedic system that takes shape after 1816. Hegel's evolution from 1807 to 1816 not only involved changes in details and arrangements, but also in the underlying (onto)logic. The content of the *Phenomenology* thus cannot simply be integrated into the *Encyclopedia*. Hegel's own attitude toward his early masterpiece is somewhat ambiguous: although he sometimes refers readers of his later work to this text, he also indicates a certain distance, as we will see. I do not want to deny that the *Phenomenology* must be studied to gain access to Hegel's philosophical praxis, but I do not agree with those authors who recklessly combine its content (as they read it) with that of the *Grundlinien* or the *Encyclopedia*.

Encyclopedia of 1817, and the philosophy of right unfolded in the *Grundlinien* (1820). However, most changes that occurred after 1820 were neither dramatic nor fundamental; rarely do the later works clearly contradict the *Grundlinien*. In general, our hermeneutical rule should be that we can presume consistency unless we have clear indications to the contrary. This rule is confirmed by Hegel's explicit cross-references, especially in the *Grundlinien*, his *Logic*, and the *Encyclopedia*.³⁹ Concerning the later versions of the *Encyclopedia*, Hegel himself assures us of a general agreement between the *Grundlinien* and the *Encyclopedic* philosophy of objective spirit as contained in the *Encyclopedia*, when he declares: "Because I have developed this part of philosophy in my *Grundlinien des Rechts* (Berlin 1821), I can be more succinct here than concerning the other parts" (Enc 1827 and 1830: § 487). By comparing the texts, we can even argue that the *Encyclopedia* of 1827 is, in certain respects, closer to the *Grundlinien* than the version of 1817. Some evidence for this may be detected in the fact that, in July 1822, Hegel wrote in a letter to Duboc that the first version of the *Encyclopedia* urgently needed reworking (*Umarbeitung*).⁴⁰

A guideline for my interpretation will be that the meaning, structure, and "logic" of the *Grundlinien* must be discovered, as much as possible, through an immanent explanation; however, when necessary, help will be sought in Hegel's other mature texts. Concerning the much-debated question of which logic governs Hegel's philosophy of right, we should have recourse, in the first place, to the very text of 1820, but to discover which logical categories and connections govern certain passages, we must also be familiar with the first part of the *Encyclopedia* of 1817 and the *Logic* of 1812-1816, though we must not view the *Grundlinien* as

³⁹ Cf., for example, the references of the *Grundlinien* to the *Logic* (Grl, Preface section 18, p. 8; § 2 end of Remark) and to the *Encyclopedia* of 1817 (Grl §§ 4R, 7R, and 8R).

⁴⁰ Letter of 30 July 1822, *Briefe* II, p. 329. The most obvious difference between the first edition of the *Encyclopedia* and the later works lies in the fact that the former lacks a theory of the civil society, whereas the *Grundlinien* (1820) and the two other versions of the *Encyclopedia* (1827 and 1830) devote many sections to such a theory (Grl 182-256; Enc BC 523-534). The publication of Wannenmann's *Nachschrift* has revealed that that theory was already taught in the course of 1817-18, immediately following the first publication of the *Encyclopedia*. For a summary of the main differences between the *Encyclopedia* of 1817 and the *Grundlinien*, see *Principes* (Kervégan), pp. 5-6.

simply an “application” of the logic explained in the other books. In Chapter One, I will, as briefly as possible, deal with some logical assumptions without which Hegel’s philosophy of right cannot be understood.

Sources

We practice another kind of genetic explanation when we show how Hegel has integrated thoughts and arguments that were forwarded by other authors before him. In a historicist climate, this sort of “reduction” is favored. Without a doubt, this may illuminate many aspects of the work, but it cannot undo the originality of its own composition. In any case, any explanation by means of “influences” or “remembrance of the past” must submit to rigorous standards. Similarity between certain ideas, for instance, is not enough, since it could be explained otherwise than through immediate contact. By oversimplifying actual history, we can create relations that exist only in our heads. For example, depending on our own knowledge of the classics, we can imagine Hegel in dialogue with those philosophers who are known to us as more or less similar or dissimilar to Hegel. If we are to believe all the Hegel interpreters, his thought was formed by Plato, Aristotle, Plotinus, Proclus, Descartes, Leibniz, Spinoza, Montesquieu, Newton, Lessing, Rousseau, Kant, Goethe, Schiller, Mendelssohn, Jacobi, Reinhold, Fichte, Hölderlin, Schelling, Schleiermacher, Solger, and several others. Hegel must then have been reading night and day for more than a century. While he was indeed a voracious reader, genuine filiation must take its lead from solidly established literary contacts, although certain ideas were clearly “in the air” at the time.

In this book, I will not concentrate on the relations between Hegel and the great authors of his or our past, but rather on the internal meaning and coherence of his mature theory as presented in mainly one book. Obviously, the historical context cannot be neglected, but I do not claim to make new discoveries in this field.

The above notwithstanding, another contextualization is also required: How does Hegel’s book of 1820 relate to the legal, moral, economic, political, and religious culture of his country and time? How does it fit into the historical events and structures,

and how does it relate to the scholarly and other literature, including, for instance, the manuals of that epoch? In this respect, I will, likewise, rely on other scholars, without pretending to renovate this field of research.⁴¹

Texts and Translations

If the language in which a particular thought is written is inseparable from that thought, all translations are inadequate; they will inevitably conceal at least some of its aspects. If the language is exceptionally idiomatic or idiosyncratic, the difficulty of rendering it in other languages grows. For example, the difficulty of reading Aristotle in translation is well known. Many of his translated texts become clear only when they are accompanied by the original Greek. Hegel, whose idiom retrieves many expressions of Aristotle's technical vocabulary, understood the importance of translations, when he wrote the following in the draft of a letter to Johann Heinrich Voss, a famous translator of Homer into German:

Luther made the Bible speak German, you made Homer speak German — the greatest gift that can be given to a people; for a people is barbaric and does not see the excellent [things] it knows as its property as long as it does not know [them] in its own language [...] I want to try to teach philosophy how to speak German.⁴²

However, appropriation by translation does not abolish the necessity of scholarship, which is possible only on the basis of original texts. For this commentary, I have used the fourth edition

⁴¹ In addition to the studies quoted in note 28, see Reinhart Koselleck, *Preußen zwischen Reform und Revolution: Allgemeines Landrecht, Verwaltung und soziale Bewegung von 1791 bis 1848* (Stuttgart: Klett-Cotta, second edition, 1975), and "Staat und Gesellschaft in Preußen 1815-1848" in Werner Conze (ed.), *Staat und Gesellschaft im deutschen Vormärz* (Stuttgart: Klett-Cotta, 1967); M. Lenz, *Geschichte der Königlich Friedrich-Wilhelms-Universität zu Berlin*, Volume 4 (Halle: Buchhandlung des Waisenhauses, 1910); and several studies in Hans-Christian Lucas and Otto Pöggeler (eds.), *Verfassungsgeschichte*, especially Pöggeler, "Hegels Begegnung mit Preußen" (pp. 311-352). See also Pöggeler's "Hegels Option für Österreich," in *Hegel-Studien* 12 (1977): 83-128. For a succinct study of the relations between Hegel's philosophy of right and the ALR (General Code of Law) of Prussia (1794) and some other documents of the epoch, see Rolf K. Hočevar, *Hegel und der Preußische Staat: Ein Kommentar zur Rechtsphilosophie von 1821* (München: Goldmann, 1973).

⁴² *Briefe* I, pp. 99-100.

of the *Grundlinien* as edited by Johannes Hoffmeister in the *Philosophische Bibliothek*, Vol. 124 (Hamburg: Meiner, 1955). For other works, I have used what is available in the critical edition of the *Gesammelte Werke* or else in the less scholarly *G.W.F. Hegel, Werke in zwanzig Bänden* (Frankfurt/Main: Suhrkamp, 1971 [Su]). For texts that cannot be found there, I refer to other editions, as indicated in the list of abbreviations on pp. xix-xxi, or in an accompanying note. Since the *Zusätze* to the *Grundlinien* are not reproduced in Hoffmeister's edition, I will cite them from volume 7 of Su. For the 1827 and 1830 versions of the *Encyclopedia*, I use volumes 19 and 20 of the *Gesammelte Werke*, but for the first edition (1817) I refer to the reprint of the original publication in Herman Glockner's *Jubiläumausgabe* of the *Sämtliche Werke*, volume 6 (Stuttgart: Frommann, 1956). When I quote the *Zusätze* to the *Encyclopedia* of 1830, they are taken from Su, volumes 8, 9, and 10.

All translations are my own, but once in a while I have been helped by some existing English translations. For the *Grundlinien*, I prefer the translation of H. B. Nisbet (*Elements*) because it remains closer to the German text than the earlier one by T. M. Knox (Knox). With regard to Hegel's technical vocabulary, I am in general agreement with the translation of the *Encyclopedia Logic* by T. F. Geraets, W. A. Suchting, and H. S. Harris (Indianapolis-Cambridge: Hackett, 1991).⁴³

Exegesis

When the *Internationale Hegel-Vereinigung*, which is one of the three international associations of Hegel scholars, was founded at the

⁴³ See especially their Glossary with explanatory notes on pp. 336-352. However, my translation of *Verstand* and *verständlich* will be different. I want to reserve the word "understanding" (which is also a good and accepted translation of the *Verstehen* that is essential in twentieth-century phenomenology) for its common use, without restricting it to the kind of analytic thought indicated by Hegel's *Verstand*. *Verstand* relates to *Vernunft* (reason) as the analytic or atomistic to the synthetic or integrative element of thought. Although it would be possible to express this difference by means of the contrast between "rational" and "reasonable," we would still be left with the difficulty of finding a substantive for *Verstand*. For the translation of "*Verstand*" and "*verständlich*," I use "intellect" and "intellectual" to bring out the contrast between the "intellectual" character of the (analytic) "intellect" and the "rational" (*vernünftig*, speculative and synthetic) character of "reason" (*Vernunft*). I will reserve "intelligence" for *Intelligenz*, whose activities are "intelligent." See Chapter One, pp. 56-60.

Hegel Conference of 1961 in Heidelberg, its first president, Hans-Georg Gadamer, set the agenda for the following years by insisting on the necessity of spelling out (*Buchstabieren*) Hegel's texts word for word. In a letter of January 1997, Rüdiger Bubner, who had been recently elected president of this association, praised the progress made in Hegel research, but he also emphasized that the task of a correct explanation remained unfinished. In the United States, however, rigorous exegesis of Hegel's dense and difficult texts is not in vogue. In general, the genre of exegesis and commentary is regarded with condescension. We can read for ourselves and one should have ideas of one's own, discuss Hegel's ideas as part of one's own thinking, and forward original or revisionist positions. Close reading, "literal commentaries," and "traditional" ways of interpretation do not merit high esteem; Hegel must be "read" in fresh, surprising ways. These preferences explain why, for example, Kojève's imaginative misunderstanding of the *Phenomenology of Spirit* and Georgy Lukács caricature of the young Hegel⁴⁴ have been accepted as serious commentaries, despite repeated refutations by (mostly European) interpreters.

Philosophers should indeed have ideas of their own, not because their opinions are so important, but because philosophy is a passionate engagement of responsible individuals in the search for truth. However, if some truth has already been discovered, it would be an error to replace it with something less true in the name of originality, even if that truth has become "traditional." But even if no truth can be found in a work of the past, interest in truth cannot excuse us from carefully reconstructing the meaning of such a work, if it still can play a role in our discussions. Before we criticize or transform a philosophical text, its own historical message must be allowed to speak to us. This receptivity is the historical equivalent of listening in a discussion. Why should we read Hegel, if we do not take seriously the intricacies of his own thought? How could he challenge us, if we allow him to say only what fits into our framework? Should not his texts instead provide us with the opportunity of taking a critical stance toward *our own*

⁴⁴ Georgy Lukács, *Der junge Hegel: Über die Beziehungen von Dialektik und Oekonomie* (Zurich: Europa Verlag, 1948), which was translated by Rodney Livingstone as *The Young Hegel: Studies in the relations between dialectics and economics* (Cambridge: MIT Press, 1976).

opinions, which might be more superficial or dogmatic than his? The monological character of the Western tradition has left us ill-equipped for the art of conversation, but two hundred years of hermeneutical and historical refinement have made possible a rather adequate reconstruction of Hegel's philosophy. Before venturing sensational "readings," intellectual integrity requires a patient deciphering of his difficult texts with all the philosophical, historical, interpretive, and logical means available. Without close reading it is impossible to avoid unilateral or distorted readings.

The study of Hegel is not well served by having him say what an interpreter prefers over his own "outdated" texts. When Hegel is used to strengthen the interpreter's own opinions or when the interpreter's own theory is superimposed on Hegel's texts, this might sometimes be due to an excessive respect for Hegel's authority. He is indeed a giant of thought, but his work is not the Bible and, regardless of what he himself or Kojève may have thought, his philosophy cannot replace any faith. To be clear on this point, my interest stems from sincere admiration and a long-standing struggle with Hegel's thought; but rather than considering him a pope or prophet, I see him as a most powerful and comprehensive, but questionable classic of the modern tradition. As a monument of modern thought, his system is one possible but partial summary of Western philosophy, while it also opens up some venues of the postmodern epoch in which we are involved. Hegel is a Janus between the time of "metaphysics" and the time of postmodern secularity.⁴⁵

The state of scholarship on Hegel does not justify the conclusion that his work is read well and widely understood. There are, for example, still scholars who prefer Kojève's "reading" of the *Phenomenology* over those who have set the record straight. Besides cultural and psychological factors, linguistic provincialism also hampers scholarship. For example, it is surprising to see how little use is made of the best French, German, and Italian scholarship in English publications.⁴⁶ Scholarly debate is most often restricted to

⁴⁵ More on this in the Epilogue of this book.

⁴⁶ Since one may assume that Hegel scholars are familiar with German, it is amazing that even leading German Hegel scholars, such as Otto Pöggeler, Hans Friedrich Fulda, Klaus and Edith Düsing, Ludwig Siep, Rolf-Peter Horstmann, Walter Jäschke, Burkhard Tuschling, etc., are almost absent from the American

those writing in English, but even such debates are rare. True, the flood of studies on Hegel that were published in the last fifty years makes it impossible to be up-to-date on the secondary literature, but monolingualistic restrictions easily convert scholarship into scholasticism.

Commentary

Contempt for exegesis is one of the greatest obstacles for a thorough reconstruction of Hegel's thought and a serious debate about his place and relevance in the history of philosophy. In fact, faithful commentaries make a great deal of scholarship superfluous. Admittedly, a nice essay, with some daring assertions, is more exciting and easier to read and to write; "literal" explanations demand more time, energy, and concentration than brilliant epilogues, but they are more useful for securing a common ground and continued scholarship.⁴⁷

How can a commentary be faithful to the text it explains? It excludes neither ideological distance nor transpositions and transformations, but it necessarily includes receptivity and methodological sympathy. It must also include selfless generosity to set the text free, letting it speak for itself. The best commentary in the end leads back to the very text, which has then become *readable*, i.e., so thoroughly understandable that it can be accepted as relevant, challenging, debatable. Many philosophical texts of the past cannot be appropriated or criticized without learned commentaries made possible by philosophical and non-philosophical skills. Let anybody who already knows the truth (e.g., "that democracy is the only valid system in politics," "that metaphysics is nonsense," "that science sets the standard for thinking") read Hegel as

discussion. The best French and Italian Hegel scholars (see notes 2 and 4 above) do not even appear to be known by name.

⁴⁷ In "Philosophieren und Kommentieren: Überlegungen zu ihrem Verhältnis" (in Hans Friedrich Fulda and Rolf-Peter Horstmann [eds.], *Vernunftbegriffe in der Moderne* [Stuttgart: Klett-Cotta, 1994], pp. 857-868, Barry Smith gives four reasons why "public commentaries" on Hegel's texts are sorely needed in Hegel scholarship (pp. 858-859) and he tries to explain why this is much less understood in English than in German language philosophy. The main reason I agree with his thesis is that excellence in reading and listening is a virtue that one cannot always presuppose among students and professors, even among those attracted to Hegel's complicated prose.

confirmation of his own important opinions! Whoever acknowledges that we need classics to overcome the superficiality of individual and collective *opinions*, even if these are popular among intellectuals, will recognize that we must let the classics speak before we subject them to our own “ideas.”

A remark by Hegel on public opinion might serve as a warning for those who hastily move from a first encounter with the text to their own original transposition. In reasoning about contingent and average opinions, Hegel writes:

The issue is awareness of the *peculiarity* of the view or acquaintance. An opinion is [. . .] more peculiar the worse its content is, because the bad is something whose content is entirely particular and peculiar; the rational (*das Vernünftige*), on the contrary, is what is universal in and for itself, while the *peculiar* is that on which having opinions *prides itself* (GrI § 317).⁴⁸

Nobody should be ashamed of patiently deciphering dense and enigmatic texts in order to free them from misreadings. The asceticism required of serious commentators brings them into the good company of Plotinus, who saw his work as an explanation of Plato’s dialogues, and Aquinas, who trained himself and others by writing commentaries on Aristotle. Contempt for exegesis amounts to solipsism: inability to listen prevents learning anything new. The time and energy spent on close reading is rewarded by greater freedom from prejudices, even if the study of the texts does not lead to appropriation.

Obscurities

Some interpreters complain about Hegel’s “obscurity.” Many deal with it by ignoring the sections they deem obscure, focusing instead on what they do understand in the hope that the obscure parts are not essential. For some scholars, entire works are obscure, for example the *Logic* and the *Encyclopedia*, but is this “obscurity” only Hegel’s fault or is it due to the veiled intellect of certain readers? Moreover, we might ask what the standards of

⁴⁸ The last words (“worauf das Meinen *sich etwas einbildet*”) play on the double meaning of “sich einbilden”: “to pride oneself” and — more literally — “to put images into oneself.” Opinions are, in part, the result of imagination, illusion, and hallucination.

clarity are and why all texts ought to be clear in the accuser's sense. Does not the requirement of a certain "clarity-above-all" condemn all thinking to superficiality? If texts are "clear," it is unnecessary to explain them; we can then immediately debate their relevance. What at first sight seems obscure, because it is unexpected or novel, might become transparent after careful study. If an argument does not fit into our own linguistic or imaginative or theoretical framework, or if we cannot understand it unless certain assumptions have been clarified, we might be tempted to defend our intelligence by calling the daunting text "obscure." Of course, obscurities may also be due to the writer's conceptual or linguistic weaknesses. A well-equipped reader might then be able to clarify what, in the awkward expression, still seems worth comprehending. However, some obscurities are quite appropriate and more meaningful than the flat clarifications by which they are often substituted. They frequently belong to the dimensions of religion, philosophy, and literature. The reason they cannot and should not be replaced by more obvious statements lies in their content: what they evoke is too sublime or mysterious or deep for the average or for any intellect. Life, love, death, evil, being, and so forth cannot be captured in the patterns of a crystal clear language or thought. Obscurity is here quite appropriate. In such cases, the demand for transparency expresses a desire that cannot be fulfilled except by distortions of the truth.

There are several kinds of obscurity in Hegel's texts. First, his language is not without grammatical and stylistic deficiencies. This becomes clear when you try to translate his texts. A translator is often confronted with the choice between correcting Hegel's text and reproducing its deficiencies in another language. In general I have preferred the second method.

Second, many passages of Hegel's work are so dense that a complete analysis yields a small treatise. This density expresses the extremely synthetic character of Hegel's thought: the comprehension of this or that particular topic brings together so many concepts and lines of thought from various parts of his system that one must already know much of what Hegel thinks to follow the topic at hand. Few other philosophers urge the reader to gather together so many interconnected elements in one idea. The Hegelian ideal of philosophy would be that we could think one

absolutely universal concept in which all things and true thoughts are concentrated. However, human finitude implies discursivity and this necessitates a linear sequence of one thought following upon another, while at the same time making us aware of the coherence that joins all the connected thoughts in one systematic whole. Without familiarity with the manifold of connections constitutive of Hegel's totality, his system remains unclear, but such a familiarity demands much time (and exegesis).

A third reason for Hegel's obscurity lies in the nature of the issues and the depth of his thought. Translations of his "metaphysical" work into a more superficial language, for example an empiricist one, eliminate this kind of obscurity, but it yields only parodies.⁴⁹

A fourth reason for obscurity lies in the basic postulate of Hegel's system itself. In writing this sentence, I anticipate a judgment to be justified later with regard to Hegel's thesis that the totality of all beings and true thoughts coincides with the fundamental and ultimate or absolute unity. According to Hegel, the One (*to Hen*) and the Whole (*to Pan*) are the same, but this cannot be true, as Plato, Aristotle, Plotinus, and most other thinkers of the metaphysical tradition knew. However, if the totality, composed of finite moments and relations, cannot be identical with the absolute, infinite, and originary One, then a fundamental impossibility penetrates the entire system, causing a pervasive obscurity.

If my diagnosis is correct, one might ask why so much time and energy should be spent on the study of a system that is infected with a basic inconsistency. We must realize, however, that it is exactly this inconsistency that makes him the Janus figure who tries to unite the great metaphysical tradition of Europe with the "unmetaphysical" totalitarianism of post-Hegelian attempts at positing history or matter or empirical factuality as the alpha and omega of existence and thought. That such attempts are no less metaphysical than Hegel's philosophy of absolute spirit is clear and certain. They differ, however, in their preference for less grandiose dimensions and a seeming modesty. They, too, consider

⁴⁹ Many passages of the student notes are clearer than most of Hegel's written texts; some, however, are obscure because either the student who tried to render what the professor said could not follow the explanation or perhaps because the professor was having a bad day.

the totality or the universe (*to pan*) to be the ultimate, but it has become “all too human,” or worse — essentially material.

Reconstruction

The purpose of this book is to explain as clearly as possible the theory displayed in Hegel's text of 1820. Ideally, this involves the clarification of its method and meaning, the explication of the logical structure that rules the argumentation, the analysis of its composition, the determination of its function within the entire system, and some observations about its relevance for us.

The logic of the *Grundlinien* is not made explicit in the text itself and nowhere else has Hegel devoted a metaphilosophical treatise to the connections between his logic, including his methodology, on the one hand, and the philosophy of “right” or, in general, his *Realphilosophie*, as we are wont to call the whole of his philosophy of nature and spirit, on the other. The first sections of the *Grundlinien* contain a few remarks concerning those connections, but they are too general to answer the question of how the book's logic is structured. They do not support the claim that we should read the *Grundlinien* as a mere application of the published *Logic*, as some interpreters have tried to do. It is obvious that the *Rechtsphilosophie* employs many categorical structures analyzed in the *Logic* and the *Encyclopedia*, but how are we to determine the parallels and the order? Do they form one coherent pattern that would be typical for “right”? If so, how? That these and similar questions cannot be neglected is confirmed by many remarks in the *Grundlinien* about the indispensable role of the “scientific procedure,” which “is presupposed here from the philosophical logic” (Grl 2R, end).

One of the issues this commentary hopes to clarify to some extent, is the question of the logic that is here operative in a mostly implicit manner. To realize this purpose, we need, among other things, an overview of the entire content of the *Rechtsphilosophie*, as displayed in 1820. The composition that then appears gives us some clues, but it does not clearly display an overall logical pattern. Only a patient reconstruction of the logic that is operative in the various parts of the book and their relations can shed light on the question of the implicit logical structure.

Another directive toward a reconstruction of the logic of the *Grundlinien* is found in Hegel's methodological practice, which uses devices of eighteenth-century manuals. For example, Hegel's treatises frequently begin with a determination of the topic, which is similar to the definition⁵⁰ of Wolffian scholasticism. Hegel prefers to speak of the topic's "abstract concept," a concept that must be developed into the concrete concept or idea of that same topic, which idea is discovered only at the conclusion of the treatise. The idea has the structure of a syllogism, but it comprehends all its components and connections in one insight. Each particular treatise focuses on the conceptual analysis of the studied topic. The constitutive elements (or "moments") that are thus discovered are implicitly contained in the initial (abstract or immediate) concept, but analysis is necessary to show how the components constitute the synthesis of the concrete concept that appears at the end. After the definition and its application, the analysis begins with an articulation or "division" (*Einteilung*), which is Hegel's way of retrieving the traditional *divisio*. The analytic process lies, as an intermediate phase, between the beginning and the end of each treatise; it dissolves the unity of the initial concept by determining the necessary distinctions and relations through which its various moments are held together and apart. The concrete concept or idea, which is the result of the "deduction" (in which we recognize the so-called "proof" of the handbooks) contains a new concept; the end of the analysis is at the same time an insight into the analyzed topic *and* the birth of another (still) abstract or immediate concept, which is inseparable from the first because, in a radical and essential way, it coincides with it.⁵¹

These preliminary indications might provide a provisional sketch of Hegel's procedure. They already show that "the logic of the concept" (i.e., the third part of Hegel's logic following (1) the

⁵⁰ Hegel sometimes calls it "the so-called definition." Although he prefers *Bestimmung* (determination) or *Begriff* (concept), I will often use the word "definition" because of our familiarity with its (seemingly clear?) meaning. Whereas Hegel might have heard vestiges of "the old metaphysics" in the word "definition," it can serve as a provisional place-holder for his more technical expressions.

⁵¹ For further explanation of the preceding and following provisional statements with regard to Hegel's logic, see Chapter One below.

logic of being and (2) the logic of essence and appearance or logic of reflection) plays a leading role. This must be expected if Hegel's purpose is not only to illuminate the problematical character of "right" but primarily to achieve comprehension. However, certain aspects and forms of right cannot be comprehended as fully formed concepts; they are *subordinate* elements of more encompassing wholes. In order to understand them we need to be familiar with the incomplete realities whose basic structures are expressed in categorical structures of the first two (still abstract) parts of Hegel's logic.

The Place of the Rechtsphilosophie

Hegel's basic postulate is that the totality of all beings coincides with the oneness of the Absolute that permeates all parts of the universe. This implies that the truth of each and every part of the universe depends upon its connection with everything else. The place and function of each issue within the whole of the system is thus co-constitutive for the true determination of that issue. Nothing can be comprehended in isolation. Before we follow the steps of Hegel's treatise on "right," we must, therefore, be aware of its place and function within the universe of Hegel's systematic thought. At the same time, however, an insight into "right" is a condition for comprehending the composition and truth of the entire universe of being and thought. We must, therefore, learn how to study "right" (and the same is necessary for all Hegel's treatises) from both the perspective of the whole and the perspective of the parts (or "moments") simultaneously.

Hegel's logic requires that philosophy develops as the "systematic totality" of a "system."⁵² If it succeeds in this endeavor, its conclusion can be unfolded from any of its parts. The presentation of philosophy in the *Encyclopedia* begins with the most abstract and indeterminate but all-encompassing category of the logic, i.e., being (*Sein*), and ends with the all-encompassing, most concrete and perfect idea, i.e., absolute knowledge. Since both the beginning and the end are all-encompassing, the unfolding of Hegel's system can be understood as an ongoing clarification of one and

⁵² GW 11, pp. 249-250; Enc A 190, BC 243.

the same subject: *the all-encompassing whole*, which Hegel identifies as *the absolute*. Only in the end is the absolute (which is the origin and the universe) revealed in its full richness. At the beginning it demonstrates almost nothing of this; it is wholly indeterminate or “being” (*Sein*) without any qualification. Nevertheless, “being” contains everything that will later be disclosed as its internal differentiation. This disclosure — the progressive self-revelation of the absolute as being — is ruled by one basic principle that should never be forgotten when reading Hegel: as the science of reason, philosophy develops and knows itself as the identity of *reason* with *all being* (Enc A 5). What reason thinks — the truth of its issue — is identical with the issue as it truly is. Truth is not correspondence, but *identity of being and thought*, as Aristotle had already said. For Hegel, this means that it is impossible to distinguish between *logic*, as a treatise on the formal determinations of abstract thought, and general *ontology*, which exhibits the formal determinations of being.⁵³

The three main stages of Hegel’s systematic unfolding of the truth are three modes of disclosure in which the all-encompassing absolute (i.e., the universe) reveals itself. The *logic* (or general *ontology*) reveals the formal structure of the universe (or the truth) as it presents itself to pure thought; the *philosophy of nature* reveals the absolute as “fallen” and “lost” in the spatio-temporal materiality of nature, which it needs in order to reveal and actualize itself; *the philosophy of spirit* is the absolute insofar as it integrates its natural existence into its spiritual activity, while organizing the universe as the differentiated actuality of itself according to the pattern of its onto-logical structure. The names of the absolute that summarize the three stages of its self-realization are *idea*, *nature*, and *spirit*. As *idea*, the absolute reveals the formal structure of the coincidence of abstract being and abstract thought. In *nature*, the absolute is externalized; it appears to fall away from itself, however, philosophical reflection discovers that this externality conceals and obscurely expresses the absolute’s inner life, which is revealed more clearly in its revelation as *spirit*.

To gain insight into that particular dimension of the spirit’s unfolding, which Hegel calls “right” — and which encompasses his

⁵³ See Chapter One, pp. 60-72.

entire legal, moral, economic, political, and world historical philosophy — we must understand the place and function of “right” in the systematic totality. This issue will be clarified in the following chapters from the perspective of the spirit itself. Here it may suffice to state that Hegel’s philosophy of right represents the objective externalization of the spirit in its own spiritual dimension, a “second nature” that has several characteristics in common with the absolute’s self-alienation of the spirit in (the first) nature. This position of right is not compatible with the thesis that Hegel understood “right” as the complete actuality of spirit.

The Historical Context

My emphasis on the exegetic task of a commentary does not imply any contempt for the study of the historical context, the ideological influences, and Hegel’s own biographical development, all of which have played a role in the genesis of Hegel’s philosophy of right and its meaning for himself, his contemporaries, and later generations. Having done research in this field⁵⁴ and profiting from the good work of other authors, I gratefully utilize their results; here, however, I will limit myself to a few remarks on the hermeneutical relevance of historical contextualization for the understanding of the *Grundlinien*.

First of all, this commentary studies Hegel’s *Grundlinien* as a philosophical text. It focuses, therefore, much more on his arguments than on his opinions. It does not seem relevant to me to know whether Hegel had “liberal,” “democratic,” conservative, reactionary, or servile opinions, unless we can prove that such opinions are the unjustified premises of his argumentation. At times Hegel’s text may conceal his real thought, but what counts primarily in philosophy is the way in which the texts make a case for the conception that is forwarded.

Second, not myself a believing Hegelian, I feel free to disagree with him if it seems warranted. My primary concern in this book is not to decide whether Hegel’s theses are right or wrong, however. A scholarly critique of his position would require that I first justify my own point of departure and the criteria to which I appeal, but

⁵⁴ Cf. *Le jeune Hegel and Philosophy and Politics*.

that can only be done in another book, for which this one is a propaedeutic. Occasionally I will contrast Hegel's conception with other views, without altogether silencing my own preferences, but throughout I will try to make his arguments as strong as possible in order to avoid cheap refutations from which nobody learns anything. Hegel's relevance cannot be measured by the ethical, political, or religious likes and dislikes of the intellectuals of our time. Neither Hegel, nor the American ethos of the twenty-first century have authority over philosophy. Instead of trying to mould his texts into agreement with our own preferences, we must give him a chance to challenge us by approaching him in a manner that respects what he was.

Third, one more remark on "influences." By discovering what Hegel learned from others through reading and assimilation, we can more easily understand how he came to his own thought; however, such discoveries do not fully explain why and how he transformed others' ideas into elements of his own arguments. The latter question is the most important for this book: how does Hegel integrate others' ideas into a context different from the one in which they were located? Besides a specific art of reading, personal experiences and meditations played a role in this integration, which brings us back to the biographical perspective on his life and work.

A fourth remark concerns the anachronistic assumption that *our* classics must be the main sources from which Hegel borrowed ideas. Many works that Hegel was familiar with are hardly known today. Very few scholars of our time have read, for example, the publications of Mendelssohn, Jacobi, Reinhold, Bardili, Schulze, Solger, and Fries; even fewer pay attention to the textbooks and lectures that Hegel studied in high school and seminary. Yet we know through experience how prevalent and persistent one's first formation in philosophy can be. If we neglect the actual history, we may be tempted to follow Kuno Fischer and Richard Kroner by presenting Hegel's participation in philosophy as an ongoing discussion with Kant, Fichte, and Schelling. In his lectures on the history of philosophy, Hegel himself gives a similar presentation, but he knew that the sequence Kant-Fichte-Schelling-Hegel did not mirror the chronological development of his own thought. Other influences (e.g., Plato, Montesquieu, Lessing, Rousseau,

and Hölderlin) played an early and crucial role, and some of his basic convictions were established before he seriously studied the theoretical parts of Kant's and Fichte's works. To what extent Hegel followed the various traces left by some of our classics is a legitimate and difficult question, but answers can only be found on the basis of a thorough understanding of individual works. Until such understanding is acquired, the interpretation of broader constellations cannot be more than a provisional sketch.

Plan

This commentary will follow the order of deduction that is presented in Hegel's book of 1820 — an order he also adopted, with minor variations, in the three versions of his *Encyclopedia* and all of his courses. However, the content and especially the form of the *Grundlinien* cannot be isolated from other parts of Hegel's oeuvre, in particular, his logic and his philosophy of subjective spirit. Therefore, in Chapter One, I will present a summary reminder of some parts of Hegel's logic, and in Chapter Two I will explain how Hegel understands spirit and freedom, which are often taken in an un-Hegelian or anti-Hegelian way—even by interpreters of his work.

With regard to Hegel's famous (or infamous) Preface, I will refer the reader to *Philosophy and Politics*, which offers a detailed explanation of its rhetorical and philosophical aspects and the political circumstances in which it was written. Since the Preface is a mixture of popularized philosophy and political preferences, personal ambitions, and strategic claims, it is not recommended as an introduction to Hegel's thought; a careful disentangling of its many motifs should enable the reader to distinguish the properly philosophical content in this manifesto. In the present book, following the second chapter on "spirit," I will, in Chapter Three, proceed to the Introduction of the *Grundlinien*.

One caveat, however, must be issued due to a prejudice that has found more approval in America than in Europe. Karl-Heinz Ilting's thesis that, out of fear of the censor, Hegel shows an opportunistic servility by hiding his real thought about politics in the *Grundlinien* and especially in the preface, has generated a fierce debate in Germany. Horstmann, Lucas, Ottmann, Pöggeler,

Rameil, Siep, and others have proven that Ilting's thesis is either incorrect or grossly overstated.⁵⁵ Though Hegel is careful to

⁵⁵ Some of the documentation for this discussion is found in Ilt 1, pp. 23-126; Rolf-Peter Horstmann, "Ist Hegels Rechtsphilosophie das Produkt der politischen Anpassung eines Liberalen?," in *Hegel-Studien* 9 (1974): 241-252; Henning Ottmann, "Hegels Rechtsphilosophie und das Problem der Akkomodation: Zu Iltings Hegelkritik und seiner Edition der Hegelschen Vorlesungen über Rechtsphilosophie," in *Zeitschrift für philosophische Forschung* 33 (1979): 227-243; Hans-Christian Lucas and Udo Rameil, "Furcht vor der Zensur? Zur Entstehungs- und Druckgeschichte von Hegels Grundlinien der Philosophie des Rechts," in *Hegel-Studien* 15 (1980): 63-93; Ludwig Siep, "Intersubjektivität, Recht und Staat in Hegels 'Grundlinien der Philosophie des Rechts,'" in *Theorie*, pp. 255-276; Karl-Heinz Ilting, "Zur Genese der Hegelschen 'Rechtsphilosophie,'" in *Philosophische Rundschau* 30 (1983): 161-209; Hans-Christian Lucas, "Recht der Vernunft versus privates Recht: Vorläufige Bemerkungen zur Vorgeschichte von Hegels 'Grundlinien der Philosophie des Rechts,'" in *Hegel-Jahrbuch* 1984-1985: 81-96; Ludwig Siep, "Hegels Heidelberger Rechtsphilosophie," in *Hegel-Studien* 20 (1985): 283-291; Otto Pöggeler, "Einleitung," in the edition of Wannenmann's *Nachschrift* (Wa), pp. ix-xlvi, and "Hegels Begegnung mit Preußen," in *Verfassungsgeschichte*, pp. 311-352.

If the main text of the *Grundlinien* is read before the Preface, which was written later, and if the rhetorical genre of the Preface is well understood, it becomes obvious that Ilting's hypothesis exaggerates a difference in accent between the published text and some reports on Hegel's lectures. My own thesis is that Hegel's book is indeed less emphatic on some points that would have displeased the king and other reactionary minds than on points that discredited progressivists like Fries and many students, some of his own students included (cf. *Philosophy and Politics*, pp. 20-31, 52-70, and 80-84). Hegel's philosophical theory did not waver between a conservative or reactionary and a liberal stance, however. See also the summary and conclusion of Jean-François Kervégan in *Principes* (Kervégan), pp. 17-21. In an attempt to demonstrate Hegel's advanced liberalism, Shlomo Avineri (*Hegel's Theory of the Modern State* [Cambridge: Cambridge University Press, 1972], pp. 130-131) and Jacques D'Hondt (*Hegel en son temps* [Paris: Editions Sociales, 1968]); "Hegel clandestin," *Pensée*, n. 133 (1967), pp. 97-102; and *Hegel secret* [Paris: Presses Universitaires de France, 1968]) have argued that Hegel maintained good relations with some of his progressive students, whom he tried to protect when they got into trouble with the police. D'Hondt has also done historical research on Hegel's sources and his relations to the freemasonry of his time and claims that there is a secret thought behind the mask of Hegel's written work. Despite Henry S. Harris' disagreement with my evaluation of D'Hondt's view (see Harris, "How Philosophy 'instructs the world'," *Laval théologique et philosophique* 51 (1995): 314, n. 2, and 318, n. 6), I maintain my position that D'Hondt's portrait of the liberal Hegel presents us with "a one-sidedly progressive image" (*Philosophy and Politics*, p. 29, n. 7). For a well-argued refutation of D'Hondt's thesis, see Claudio Cesa, "Hegel segreto?" in Cesa, *Hegel filosofo politico* (Napoli: Guida, 1976), pp. 83-103. In D'Hondt's recently published biography, *Hegel: Biographie* (Paris: Calmann-Lévy, 1998), in which the author provides interesting, previously unknown details of Hegel's life, he continues to present us with the portrait of a very liberal and progressive Hegel. As he himself puts it, he emphasizes those aspects of Hegel's life and thought "that others have too much neglected out of

downplay his disagreements with the conservative authorities while exaggerating his criticisms of the liberals who are his main target in the Preface, a comparison of his writings and the course notes spread out over fifteen years (1817-1831) shows a fundamental continuity in his position. Some changes, such as the appearance of civil society in the winter of 1817-18 and Hegel's change of mind with regard to the Anglo-Saxon jury system, are not unimportant, but they do not express a fundamental shift with regard to the main questions of liberalism, conservatism, or servility. In any case, the interpretation of the *Grundlinien* should not be burdened from the outset by the suspicion that Hegel's text does not express what he really thought. Even if he were a hypocrite or a liar, we would still have to know *what his work says*.

I will treat Hegel's texts as philosophical in the classical sense, i.e., as texts that both try to *prove* that things are as their author thinks they are and explain *why*. Such a treatment must state Hegel's position (which, if not demonstrated, remains only an opinion) and paraphrase his arguments; however, it should not stop at that. In a second-order reflection, it must also show how Hegel proceeds, which assumptions support his arguments, within what mindset his thinking moves, and toward which end he is oriented. The reconstruction of Hegel's argument must, therefore, be accompanied by a meta-reflective moment. Its purpose is thus not to present Hegel as an ideological authority, but rather as a classic of Western philosophy. This endeavor presupposes admiration as well as critical distance. It aims at a reconstruction of Hegel's deductions, but it also *prepares* an answer to questions of our own, such as the following: What can *we* learn from Hegel? How can we retrieve his writings? How shall we respond to the challenge they contain? Which role do they or should they play in our genealogy? What is a responsible way of handing them over to

ignorance or malevolence," while himself "taking the risk that he might exaggerate in the opposite direction" (p. 7). Another recent biography, *Hegel und die heroischen Jahre der Philosophie* (München: Hanser, 1992), presents a portrait of Hegel that is diametrically opposed. The author, Horst Althaus, repeating an old "myth," calls Hegel "the Prussian state philosopher" (p. 328) and "man of the Restoration, monarchist of strict observance" (p. 580). Thus, even the life of Hegel has become an issue on which right and left Hegelians are split. Was Hegel too complicated, or too much of a Janus, to be understood in a non-unilateral, dialectical, rational way?

another generation of seekers who think that philosophy is still relevant for the future of civilization? Obviously, these questions point beyond the limitations of a commentary, but they indicate an interest that will be expressed in some hints and critical considerations.

A Selection of Studies

The abundance of secondary literature on Hegel's work has made it impossible to be up-to-date on all of it, or even to be knowledgeable about the best studies that have appeared in the last twenty years. Each bibliographical selection is therefore risky and presumably unfair to many authors. However, the risk must be taken, not only because even a partial selection might be useful for beginning Hegel scholars, but also because the present author must express his gratitude toward those scholars from whom he learned much of what this book is meant to pass on to others.

Some good studies on particular topics within Hegel's philosophy of right will be cited in the notes of the relevant chapters. Here I will recommend only those interpretations of the entire *Rechtsphilosophie* that I consider particularly helpful, even if I do not always agree with the interpreter.

Secondary Literature on Hegel's Rechtsphilosophie

- Amengual, Gabriel (ed.). *Estudios sobre la 'Filosofía del Derecho' de Hegel*. Madrid: Centro de Estudios Constitucionales, 1989. In his *Introducción*, pp. 11-65, Amengual provides a rather complete overview of the studies of the *Rechtsphilosophie* that have appeared in the Western world between 1945 and 1989.
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